

Tab 1	SB 62 by Grall; (Identical to H 06005) Relief of Robert Earl DuBoise by the State of Florida					
Tab 2	CS/SB 110 by GO, Hooper; (Identical to CS/H 01139) State Board of Administration					
356102	A	S	RCS	AP, Hooper	btw L.247 - 248:	04/13 04:55 PM
422028	AA	S L	RCS	AP, Hooper	Delete L.104 - 174:	04/13 04:55 PM
Tab 3	CS/SB 198 by TR, DiCeglie; (Similar to CS/H 00155) Tampa Bay Area Regional Transit Authority					
Tab 4	CS/SB 490 by CM, Jones (CO-INTRODUCERS) Davis; (Similar to CS/CS/H 00233) Investigations into the Deaths of Minors					
254124	A	S L	RCS	AP, Rouson	btw L.48 - 49:	04/13 04:59 PM
Tab 5	CS/SB 726 by GO, Rodriguez; (Identical to CS/H 00643) Library Cooperative Grants					
Tab 6	CS/SB 926 by ED, Rodriguez (CO-INTRODUCERS) Jones; (Similar to CS/H 01597) Florida Virtual School					
Tab 7	CS/SB 7002 by CA, EN; (Identical to H 07027) Ratification of Rules of the Department of Environmental Protection					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Broxson, Chair
Senator Rouson, Vice Chair

MEETING DATE: Thursday, April 13, 2023
TIME: 10:30 a.m.—4:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Broxson, Chair; Senator Rouson, Vice Chair; Senators Avila, Baxley, Book, Bradley, Brodeur, Burgess, Davis, Grall, Gruters, Harrell, Hooper, Ingoglia, Martin, Perry, Pizzo, Polsky, and Powell

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 62 Grall (Identical H 6005)	Relief of Robert Earl DuBoise by the State of Florida; Providing for the relief of Robert Earl DuBoise; providing an appropriation to compensate Mr. DuBoise for being wrongfully incarcerated for almost 37 years; prohibiting funds awarded under the act to Mr. DuBoise from being used or paid for specified attorney or lobbying fees; requiring specific reimbursement to the state should a civil award be issued subsequent to Mr. DuBoise's receipt of payment under the act, etc. SM JU 03/14/2023 Favorable ACJ 03/21/2023 Favorable AP 04/13/2023 Favorable	Favorable Yeas 18 Nays 1
2	CS/SB 110 Governmental Oversight and Accountability / Hooper (Identical CS/H 1139)	State Board of Administration; Prohibiting the State Board of Administration from paying benefits to a Florida Retirement System investment plan member convicted of specified felonies; authorizing the state board to develop investment products to be offered in the investment plan; revising the types of investments in real property and related personal property which the state board may invest in, etc. GO 03/07/2023 Fav/CS AP 04/13/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
3	CS/SB 198 Transportation / DiCeglie (Similar CS/H 155)	Tampa Bay Area Regional Transit Authority; Repealing provisions relating to the creation and operation of the authority; dissolving the authority and requiring the authority to perform specified activities, etc. TR 02/07/2023 Fav/CS ATD 03/08/2023 Favorable AP 04/13/2023 Favorable	Favorable Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, April 13, 2023, 10:30 a.m.—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 490 Commerce and Tourism / Jones (Similar CS/CS/H 233, Compare H 789, Linked S 492)	Investigations into the Deaths of Minors; Citing this act as "Curtis' Law"; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception, etc. CM 03/27/2023 Fav/CS CJ 04/04/2023 Favorable AP 04/13/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
5	CS/SB 726 Governmental Oversight and Accountability / Rodriguez (Identical CS/H 643)	Library Cooperative Grants; Deleting the limitation on the funding a library cooperative is eligible to receive, etc. GO 03/07/2023 Fav/CS ATD 03/21/2023 Favorable AP 04/13/2023 Favorable	Favorable Yeas 19 Nays 0
6	CS/SB 926 Education Pre-K -12 / Rodriguez (Similar CS/H 1597)	Florida Virtual School; Providing for flexibility in the administration of specified assessments for Florida Virtual School full-time students of military families residing outside this state; providing a process for the parents or guardians of such students to request the flexibility in assessment administration from the Florida Virtual School; providing flexibility in the administration of specified assessments for certain Florida Virtual School students, etc. ED 04/04/2023 Fav/CS AP 04/13/2023 Favorable	Favorable Yeas 19 Nays 0
7	CS/SB 7002 Community Affairs / Environment and Natural Resources (Identical H 7027)	Ratification of Rules of the Department of Environmental Protection; Ratifying specified rules relating to standards for onsite sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems, and an operation and maintenance manual for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs, etc. CA 03/15/2023 Fav/CS AP 04/13/2023 Favorable	Favorable Yeas 19 Nays 0

Other Related Meeting Documents



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/9/23	SM	Favorable
3/14/23	JU	Favorable
3/20/23	ACJ	Favorable
4/12/23	AP	Favorable

March 9, 2023

The Honorable Kathleen Passidomo
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 62** – Senator Grall
HB 6005 – Representative Duggan
Relief of Robert Earl DuBoise by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$1.85 MILLION TO BE APPROPRIATED FROM THE GENERAL REVENUE FUND TO THE DEPARTMENT OF FINANCIAL SERVICES, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE ROBERT EARL DUBOISE FOR 37 YEARS OF WRONGFUL INCARCERATION.

FINDINGS OF FACT:

General Overview of the Crime

On August 18, 1983, the victim left work sometime after 9:05 p.m. The victim was walking and declined a ride home by two individuals known to her. The victim was not seen again until her body was found the next morning behind a dentist office. The body was naked, other than a tube top pulled over the breasts. The victim suffered severe trauma to the head, face and neck.¹

The Tampa Police Department responded, secured the scene, and collected evidence, including several 2x4s

¹ Conviction Review Unit Fact Finding, p. 3, (September 9, 2020).

(suspected to be the murder weapon), clothing, a wallet, a purse, moldings from potential knee and shoe impressions, and fingerprints from a nearby air conditioning unit. The crime scene indicated a struggle, and the autopsy determined the cause of death was blunt force trauma to the head.²

The medical examiner, Dr. Miller, discovered what he believed to be a bite mark on the victim's left cheek, and contacted Dr. Powell, a local dentist who worked with the medical examiner's office. Photographs were taken and Dr. Miller excised the bite mark away from the victim's face and attempted to preserve it in a formaldehyde solution. Other evidence was collected, including a rape kit, fluids from the vaginal and anal cavities, hair samples, nail clippings, photographs and clothing.³

The police focused in on the bite mark and contacted Dr. Richard Souviron, a forensic odontologist. At the time, Dr. Souviron was considered an expert on bite mark evidence and had testified in several criminal cases, including the case against Ted Bundy. Dr. Souviron requested the police to obtain beeswax impressions from any suspects. Detectives Saladino and Burke may have obtained as many as 100 separate moldings from male suspects/persons of interest that lived or frequented the area.⁴

A clerk at a gas station near the area the victim was found stated Robert DuBoise, Victor DuBoise and Raymond Garcia caused problems in the area. This statement is what led the police to Robert DuBoise, who voluntarily gave Detective Saladino a beeswax impression of his teeth. Dr. Souviron informed the police that Robert DuBoise is who inflicted the bite mark on the victim, and Robert was arrested.⁵

Robert DuBoise was tried and convicted of First Degree Felony Murder and Attempted Sexual Battery.⁶ During the trial, the state entered evidence by three witnesses who provided inculpatory evidence against Mr. DuBoise. These witnesses included Claude Butler (an inmate who claimed Mr.

² *Id.*

³ *Id.*

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.* at 1.

DuBoise made incriminating statements), and Joan Suarez and Jack Andruskiewicz (acquaintances who claimed Mr. DuBoise stated he was wanted for murder).⁷ The state also presented expert evidence that Mr. DuBoise was the person who inflicted the bite mark on the victim.⁸

Conviction Review Unit Findings and Recommendation

Teresa Hall, the Supervising Attorney of the Conviction Review Unit (CRU) for the Office of the State Attorney in the 13th Judicial Circuit in Florida,⁹ conducted the review of Mr. DuBoise's conviction. A CRU is an independent entity within the Office of the State Attorney that reviews convictions to determine if the conviction was wrongfully obtained. This review occurs after the CRU is prompted by a petition or request for review.¹⁰

Attorney Hall received a comprehensive petition and memorandum of law regarding Mr. DuBoise's case from Susan Friedman, an attorney with the Innocence Project, representing Mr. DuBoise. Through the petition, attorney Hall became aware of the bite mark evidence leading to Mr. DuBoise's conviction, and testified that she was already familiar with the unreliability of bite mark evidence as a single source identifier. This prompted further review of Mr. DuBoise's case.¹¹

The CRU reviewed the entire file on Mr. DuBoise's case, including the postconviction motions.¹²

The CRU found that:

- 1) DNA evidence refutes that Robert DuBoise was the perpetrator. Further, the presumptive positive is linked to person X., who had no connection to Robert DuBoise, Victor DuBoise or Raymond Garcia.
- 2) The bite mark evidence presented to the jury is unreliable and faulty. Per experts consulted by both the State Attorney's Office and the Innocence Project, the

⁷ *Id.* at 4.

⁸ Conviction Review Unit Fact Finding, p. 36, (September 9, 2020).

⁹ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 17:14-17:26.

¹⁰ *Id.* at 17:35-18:01.

¹¹ *Id.* at 30:30-31:31.

¹² *Id.* at 31:31-32:30.

marks left on the [victim's] face were not bite marks at all.

- 3) Claude Butler's testimony is not credible for the following reasons:
 - His significant connection to law enforcement.
 - Inconsistencies through his statements to police, prosecution, defense at trial, and to the CRU.
 - His incentive to cooperate due to facing life sentences on his pending charges.
 - Discrepancies on whether Claude Butler was given a polygraph examination.
 - There was significant benefit provided to Claude Butler by the State Attorney's Office filing a Motion to Mitigate Claude Butler's sentence to time served and that this motion was filed within 2 months of the conclusion of Mr. DuBoise's trial.
- 4) If a trial were to occur today, there would not be credible evidence to prove Mr. Robert DuBoise committed the crimes charged and there would be clear and convincing evidence he is innocent of the charges against him.^{13, 14}

Attorney Hall's recommendation was that Mr. DuBoise's conviction be vacated and the charges be nolle prosequi.¹⁵

Bite Mark Evidence

The pathologist thought one of the marks on the victim's left cheek was a bite mark. The detectives "honed in" on what the pathologist, and later dentist, thought was a bite mark. Law enforcement decided to canvass the area for every known man that frequented the neighborhood, collecting over 100 bite mark impressions "from anybody that would give it to them." Mr. DuBoise voluntarily gave his bite mark impression. All impressions were done in bees wax.¹⁶

Law enforcement sent some of the dental impressions to

¹³ Conviction Review Unit Fact Finding, p. 48-49, (September 9, 2020).

¹⁴ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:08:54-1:09:50.

¹⁵ *Id.* at 27:35-27:45, and 1:09:50-1:09:58.

¹⁶ *Id.* at 34:33-36:08; Testimony of Robert DuBoise at 2:46:15-2:46:35.

Dr. Richard Souviron, the forensic odontologist, who concluded that Mr. DuBoise was the person who inflicted the injury to the victim's cheek. Based on this evidence, law enforcement arrested Mr. DuBoise.¹⁷ At trial, Dr. Souviron "went above and beyond what should have been testified to," when he testified that he was 100 percent certain and convinced that Mr. DuBoise left the bite mark on the victim.¹⁸

As part of attorney Hall's review of the case, she attempted to contact Dr. Souviron 10 times via email, business phone, personal phone and home phone and never received a response.¹⁹

Attorney Hall contacted and consulted with Dr. Freeman, an expert in forensic odontology. Dr. Freeman was sent the case information, including photographs of the murder weapon and the injury to the victim's cheek. Dr. Freeman determined the mark was not a human bite mark.²⁰

Dr. Freeman is a forensic odontologist and an expert in the state of Florida.²¹ In 2019, the American Board of Forensic Odontology (ABFO) rewrote their guidelines and standards for bite marks.²² This change in guidelines followed multiple reports and studies indicating the inaccuracies of bite mark evidence. One report by the National Academy of Sciences (NAS) contained a damaging review of bite mark evidence, finding there was no evidence supporting the accuracy of bite mark evidence, and experts "diverged wildly," in their evaluations of the same bite mark.²³

The premise of bite mark evidence was: (1) that teeth are individual to a person, similar to DNA or fingerprints; (2) skin is an accurate recording medium; and (3) people of similar education and backgrounds would come to similar conclusions when looking at that evidence.²⁴ Bite mark evidence is problematic because it has never been proven that teeth are individual to a person. In fact, studies have

¹⁷ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 36:04-36:45.

¹⁸ *Id.* at 40:18-40:40.

¹⁹ *Id.* at 49:20-49:35.

²⁰ *Id.* at 49:50-51:27.

²¹ Special Master Hearing (March 1, 2021), Testimony of Dr. Freeman at 1:15:08-1:15:26.

²² *Id.* at 1:18:08-1:19:00.

²³ *Id.* at 1:28:15-1:46:10.

²⁴ *Id.* at 1:24:00-1:24:44.

shown when looking at the side of teeth observed in bite mark evidence, many teeth can be compared and look similar to others. Further, it has never been proven that skin is an accurate recording medium. When evaluating bite mark evidence you are viewing a bruise on the skin, not an actual indentation. There are no studies to show that everyone bruises the same way, and skin looks different in different positions.²⁵

Forensic odontologists were originally permitted to testify to individualization, which means an expert could look at an injury and determine not only who inflicted that injury, but determine that the person was the only individual who could make that injury.²⁶ Current guidelines are such that a forensic odontologist *may not* testify that a specific individual inflicted a bite.²⁷

Dr. Freeman first reviewed the transcripts of the case to determine whether or not Dr. Souviron followed current or past ABFO guidelines. The evidence originally collected included low quality photos, and a portion of skin excised from the victim. While there is controversy regarding collecting bite mark evidence by excising an area of skin, there were procedures for doing so that were not followed in this case. The way in which the skin was excised in Mr. DuBoise's case distorted the injury and caused shrinkage. The injury was also preserved in formaldehyde which was not recommended and causes distortion. The way in which the injury was excised and preserved was not consistent with collection and preservation standards in place at the time of the crime.²⁸

Similarly, proper methods for taking dental impressions were not followed in Mr. DuBoise's case. The officers were not trained in taking impressions nor did they use quality materials. Law enforcement used beeswax to take dental impressions, then "pour[ed] up" each side in dental plaster. This is not an acceptable method to record an impression. The wax deforms in a way dental impression material does not. The analysis on Mr. DuBoise case was done based on the dental impressions in beeswax taken by law enforcement.²⁹

²⁵ *Id.* at 1:46:24-1:49:45.

²⁶ *Id.* at 1:25:09-1:25:39.

²⁷ *Id.* at 1:46:05-1:46:20.

²⁸ *Id.* at 1:49:50-1:53:47.

²⁹ *Id.* at 1:53:50-1:59:31.

Once the dental plaster had set in Mr. DuBoise's dental impression, it was sent to Dr. Souviron.³⁰ Dr. Souviron's interpretation of the evidence evolved and became increasingly more conclusive. Dr. Souviron's conclusion based on the resected tissue analysis was originally that the person who made this injury was likely missing an upper tooth. Mr. DuBoise had no missing teeth at the time of the impression. After being presented with Mr. DuBoise's dental impression, Dr.'s Souviron abandoned the missing tooth theory.³¹ Dr. Souviron concluded early in the case that he could not exclude Mr. DuBoise. Later he stated that Mr. DuBoise was consistent with the injury. He then stated that Mr. DuBoise's dentition matched to a reasonable degree of certainty. Finally, Dr. Souviron concluded at trial, that Mr. DuBoise did inflict the injury on the victim in this case.³² While this testimony was permissible at the time, *a forensic odontologist is no longer permitted to make this conclusion, and individualization is no longer permitted per the current ABFO standards and guidelines.*³³

Dr. Freeman reviewed the photographs of the injury in Mr. DuBoise's case and concluded that the injury to the victim's cheek was not a bite mark. The average lower dentition of a human is approximately 32 millimeters from canine to canine. In this case, the injury on the victim's face was 45 millimeters. Additionally, the injury that had been excised had visible distortion. Dr. Freeman further testified that Dr. Souviron's analysis was "wrong" and that his conclusions were "far-field of having any scientific validity."³⁴

Physical Evidence Excluding Mr. DuBoise

The medical examiner collected evidence at the autopsy, including the excised skin of the left cheek containing the alleged bite mark, hair samples, oral, anal, and vaginal smear slides, fingernail clippings, and the victim's blood type. The oral, anal, and vaginal smear slides collected are the same as

³⁰ *Id.* at 1:59:40-2:00:15.

³¹ *Id.* at 2:01:04-2:04:35.

³² *Id.* at 2:07:38-2:09:29.

³³ *Id.* at 2:09:50-2:10:21.

³⁴ *Id.* at 2:11:19-2:13:50.

the type of slides collected in a rape kit today.³⁵ At the time of the crime in 1983, DNA testing was not available.³⁶

Law enforcement collected fingerprints, 2x4s suspected to be the murder weapon, and hair from the crime scene.³⁷ All evidence collected at the scene, including the fingerprints and hair, excluded Mr. DuBoise.³⁸

Throughout Attorney Hall's review of Mr. DuBoise's case, it was determined that the medical examiner's office had oral, anal, and vaginal smear slides collected from the victim at the time of the autopsy. The slides were sent to a lab in California for testing.³⁹

Nancy Wilson, a Forensic DNA Analyst with Forensic Analytical Crime Lab in California, was contacted to review the DNA slides found in the medical examiner's possession in Mr. DuBoise's case. Wilson's responsibilities include examining and documenting evidence. Wilson performs any necessary testing, including DNA testing, and provides interpretation for the results. Wilson has been recognized as an expert in Florida.⁴⁰

Wilson received the evidence in this case in August 2020, tested the oral, anal, and vaginal smear slides, and completed her report in September 2020. Wilson observed sperm on the vaginal smear slide and anal smear slide. Wilson concluded there was one major male contributor (76% of the DNA), one minor male contributor (5% of the DNA), and the victim (19% of the DNA) on the vaginal smear slide, and a small amount of sperm DNA from one contributor on the anal smear slide. There was no male DNA on the oral smear slide. Wilson received a DNA reference sample from Mr. DuBoise and was able to compare and exclude him as a possible contributor.⁴¹

Once Wilson completed her report, it was submitted to CODIS.⁴² Mr. DuBoise was excluded as a match from all the

³⁵ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 37:01-37:55.

³⁶ *Id.* at 34:20-34:30; Testimony of Nancy Wilson at 2:22:41-2:22:57.

³⁷ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 37:55-38:45.

³⁸ *Id.* at 39:31-39:58 and 51:50-1:00:04.

³⁹ *Id.* at 53:50-57:15.

⁴⁰ Special Master Hearing (March 1, 2021), Testimony of Nancy Wilson at 2:15:26-2:22:23.

⁴¹ *Id.* at 1:26:58-2:38:48; *see also* Forensic Analytical Crime Lab, *Laboratory Report* (September 2, 2020).

⁴² CODIS is the Combined DNA Index System and is the generic term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases.

evidence tested in this case, and there was a positive match to the major contributor of the DNA. At the time of the Special Master hearing the name of the individual whose DNA matched the sample retrieved from the victim was not released because there was an ongoing investigation. There is no connection between Mr. DuBoise and the person who was a DNA match.^{43, 44} During 2022, the State Attorney's Office for the Thirteenth Judicial Circuit publicly identified two individuals whose DNA match the DNA found on the rape kit of the victim. These two individuals are currently incarcerated on life sentences for a similar crime that occurred near the time of the rape and murder for which Mr. DuBoise was convicted. Additionally, these two individuals are connected to other similar crimes in the Tampa Bay area.⁴⁵

Witnesses

Claude Butler

Witness Claude Butler had no independent knowledge of the crime. Butler testified that he shared a jail cell with Mr. DuBoise, and that Mr. DuBoise told him that Mr. DuBoise, his brother Victor DuBoise, and Raymond Garcia abducted the victim, raped her, and killed her. Butler further testified that Mr. DuBoise stated all he had done "is had sex with the woman," and he did not know anyone was going to kill the victim. Butler testified Raymond Garcia actually committed the murder. Butler testified to details about the crime could have been found in the arrest report.⁴⁶

Attorney Hall interviewed Butler as part of her investigation and Butler's recall of what Mr. DuBoise told him was inconsistent with his trial testimony. Butler had previously provided information on other crimes during the same time period to a detective with the Tampa Police Department. Prior to Mr. DuBoise's trial, Butler was charged with several punishable by life felonies. At the time of sentencing, Butler received a 5-year sentence. After the conviction of Mr. DuBoise, the state attorney who tried Mr. DuBoise's case filed a State motion to modify and mitigate Butler's sentence. Butler was sentenced to time served. He served

⁴³ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 53:50-57:15.

⁴⁴ Special Master Hearing (March 1, 2021), Testimony of Nancy Wilson at 2:38:48-2:42:00.

⁴⁵ See, Innocence Project of Florida, Inc. *Status Update of Claimant Since 2022 Legislative Session* (2023).

⁴⁶ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 41:29-42:26.

approximately 18 months incarceration on multiple punishable by life felonies.⁴⁷

Jack Audruskiewicz

Witness Jack Audruskiewicz had no independent knowledge of the crime. Audruskiewicz testified that he spoke with Mr. DuBoise at a party two days to a week before Mr. DuBoise's arrest. He further testified that Mr. DuBoise stated he was wanted for murder.⁴⁸

Joan Suarez

Witness Joan Suarez had no independent knowledge of the crime. Suarez testified that she frequented the same bar as Mr. DuBoise and they were friends. She further testified that Mr. DuBoise had scratches to his back, and that Mr. DuBoise made comments that he had "done something bad," and "was wanted." Suarez could not remember dates, exact conversations, and admitted to having a traumatic brain injury. Suarez's trial testimony was inconsistent with the deposition she had given prior to trial.⁴⁹

Sentencing and Post-Conviction

Mr. DuBoise was arrested on October 22, 1983.⁵⁰ The jury returned a guilty verdict on First Degree Felony Murder and Attempted Sexual Battery on March 7, 1985.⁵¹

The jury did not recommend the death penalty, but the court overrode the jury's decision and sentenced Mr. DuBoise to death on March 7, 1985.⁵² During Mr. DuBoise's direct appeal the Florida Supreme Court found that the trial court made a sentencing error, and overturned Mr. DuBoise's death sentence. The sentence of death was commuted to a life sentence on June 23, 1988.⁵³

⁴⁷ *Id.* at 1:00:50-1:03:49.

⁴⁸ *Id.* at 45:52-43:48.

⁴⁹ *Id.* at 43:55-45:09.

⁵⁰ Special Master Hearing (March 1, 2021), Testimony of Robert DuBoise at 2:46:40-2:47:26.

⁵¹ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 45:10-45:30.

⁵² State v. Robert E. DuBoise, *Order Granting Joint Motion to Modify Sentence*, (August 27, 2020) (Case No.83CF12669)

⁵³ *Id.*; See also, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 45:30-46:11.

Mr. DuBoise filed a postconviction motion requesting to test the DNA collected in the case. At the hearing on this postconviction motion it was determined that the evidence entered at trial had been destroyed by the Clerk's office in 1990 and the hair samples were not suitable for DNA testing.⁵⁴ Attorney Hall later determined that the medical examiner's office stored DNA slides in Mr. DuBoise's case, and these were tested during the CRU's investigation.⁵⁵

In 2020, due to Covid-19, no prison inmates were able to be transported to Hillsborough County jail for the purpose of a hearing. Because of this, and upon receiving the DNA results excluding Mr. DuBoise, attorney Hall elected to file a motion to modify Mr. DuBoise's sentence so he may be released.

Mr. DuBoise's sentence was commuted to time served, and Mr. DuBoise was released.⁵⁶ The court ordered that Mr. DuBoise's sentence be modified as follows:

- Count 1: Modified to 36 years in the Department of Corrections.
- Count 2: Modified to 15 years in the Department of Corrections.
- Counts 1 and 2 were to run concurrently.
- Mr. DuBoise was given 503 days of original jail credit, as well as all credit for prison time served.
- All fines associated with the case were waived.⁵⁷

Once Mr. DuBoise was released the hearing on postconviction relief to vacate his sentence was held.⁵⁸

In the State's response to the postconviction motion seeking vacatur, the State agreed that the convictions should be vacated.⁵⁹ **On September 14th, 2020, the court granted Mr. DuBoise's motion to vacate his conviction, finding there was no credible evidence that Mr. DuBoise committed the**

⁵⁴ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 46:20- 47:30.

⁵⁵ *Id.* at 53:50-57:15.

⁵⁶ *State v. Robert E. DuBoise, Order Granting Joint Motion to Modify Sentence*, (August 27, 2020) (Case No.83CF12669); See also, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:04:30-1:05:15.

⁵⁷ *State v. Robert E. DuBoise, Order Granting Joint Motion to Modify Sentence*, (August 27, 2020) (Case No.83CF12669)

⁵⁸ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:05:40-1:08:54.

⁵⁹ *State v. Robert E. DuBoise, State's Response to Defendant's Motion for Postconviction Relief and to Vacate Judgment and Sentence Pursuit to Fla. R. Crim P. 3.850* (September, 2020) (Case No.83CF12669).

crime and further found that he was innocent by clear and convincing evidence.⁶⁰

LITIGATION HISTORY:

Mr. DuBoise convicted of First Degree Felony Murder and Attempted Sexual Battery on March 7, 1985,⁶¹ And sentenced Mr. DuBoise to death on March 7, 1985.⁶²

The sentence of death was commuted to a life sentence on June 23, 1988.⁶³

Mr. DuBoise filed a postconviction motion requesting to test the DNA collected in the case, which was initially denied. The DNA was later tested during the CRU's investigation.⁶⁴

In 2020, based on the DNA results, attorney Hall filed a motion to modify Mr. DuBoise's sentence so that he may be released. Mr. DuBoise's sentence was commuted to time served, and Mr. DuBoise was released.⁶⁵ Once Mr. DuBoise was released, the hearing on postconviction relief to vacate his sentence was held.⁶⁶

On September 14th, 2020, the court vacated Mr. DuBoise's conviction, finding there was no credible evidence that Mr. DuBoise committed the crime and further found that he was innocent by clear and convincing evidence.⁶⁷

On October 4, 2021, Mr. DuBoise, through private counsel, filed a federal civil rights action against the City of Tampa and several employees of the Tampa Police Department. The federal District Court denied the defendants' motion to dismiss and the case is currently pending in the discovery phase.⁶⁸

⁶⁰ *State v. Robert E. DuBoise, Order Vacating Defendant's Judgment and Sentences* (September 14th, 2020) (Case No.83CF12669); *see also*, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:11:00-1:11:59.

⁶¹ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 45:10-45:30.

⁶² *State v. Robert E. DuBoise, Order Granting Joint Motion to Modify Sentence*, (August 27, 2020) (Case No.83CF12669)

⁶³ *Id.*; *See also*, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 45:30-46:11.

⁶⁴ *Id.* at 53:50-57:15.

⁶⁵ *State v. Robert E. DuBoise, Order Granting Joint Motion to Modify Sentence*, (August 27, 2020) (Case No.83CF12669); *See also*, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:04:30-1:05:15.

⁶⁶ Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:05:40-1:08:54.

⁶⁷ *State v. Robert E. DuBoise, Order Vacating Defendant's Judgment and Sentences* (September 14th, 2020) (Case No.83CF12669); *see also*, Special Master Hearing (March 1, 2021), Testimony of Teresa Hall at 1:11:00-1:11:59.

⁶⁸ *See*, Innocence Project of Florida, Inc. *Status Update of Claimant Since 2022 Legislative Session* (2023).

CONCLUSIONS OF LAW:

Standard of Proof in Wrongful Incarceration Compensation Claims

The appropriate standard of proof applied in a wrongful incarceration claim bill is whether there is *clear and convincing evidence* that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice.

Generally, the standard of proof in the claim bill process is preponderance of the evidence. However, in 2008, the Legislature established a clear and convincing standard of proof for wrongful incarceration claims under ch. 961, F.S. While the Legislature is not bound to the statutory requirements of ch. 961, F.S., precedent⁶⁹ and equitability suggest that the applicable standard of proof in a wrongful incarceration claim bill should be consistent with these statutory requirements. There have been two wrongful incarceration claim bills that have passed since the enactment of ch. 961, F.S. Both of these bills have utilized a clear and convincing standard.⁷⁰ Additionally, a person who is barred from receiving compensation under ch. 961, F.S., due to prior felony convictions may only be compensated for a wrongful conviction through an act of grace by the Legislature. Applying a lower standard of proof to those barred from statutory relief creates an inequitable result.

Clear and convincing evidence is “evidence making the truth of the facts asserted ‘highly probable.’”⁷¹ A clear and convincing standard “is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials.”⁷² Florida jury instructions provide that clear and convincing evidence is “evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm

⁶⁹ Senate Special Master Report Re: CS/SB 2 (2012)(November 1, 2011)(recommending relief regarding Mr. William Dillon’s wrongful incarceration claim); Senate Special Master Report Re: SB 28 (2020)(January 23, 2020)(recommending relief regarding Mr. Clifford Williams’ wrongful incarceration claim).

⁷⁰ *Id.*

⁷¹ *Slomowitz v. Walker*, 429 So. 2d 797, 799 (4th DCA 1983).

⁷² Bryan A. Garner, *Black’s Law Dictionary* (2006).

belief or conviction, without hesitation, about the matter in issue.”⁷³

Compensation for Wrongful Incarceration Compensation Claims

Chapter 961, F.S., provides compensation for wrongful incarceration calculated at a rate of \$50,000 for each year of wrongful incarceration, which is prorated as necessary.⁷⁴ Additionally, a petitioner may receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System Institution, or any state university;⁷⁵ the amount of any fine, penalty, or court costs imposed and paid by the wrongfully incarcerated person;⁷⁶ and the amount of reasonable attorney’s fees and expenses incurred by the wrongfully incarcerated person.⁷⁷ The total amount awarded may not exceed \$2 million.⁷⁸

Similar to the standard of proof, the Legislature is not bound by the statutory requirements of ch. 961, F.S., but precedent and equitability suggest these requirements be applied.

Conclusion Based upon Findings of Fact and Clear and Convincing Evidence

The DNA evidence demonstrates Mr. DuBoise was not the perpetrator. The oral, anal, and vaginal smear slides contained DNA obtained from the victim’s body. This evidence was only recently discovered and examined through the CRU’s investigation into Mr. DuBoise’s case. Mr. DuBoise’s DNA was compared and excluded as a match to the DNA found on each of the smear slides. Not only was Mr. DuBoise excluded as a match, a match to the DNA was found after the DNA was submitted to CODIS. While the name of the match was unknown to the public at the time of the hearing, there was an ongoing investigation and the person has no connection to Mr. DuBoise, Victor DuBoise, or Raymond Garcia.

⁷³ Standard Jury Instructions-Civil (No. 405.4).

⁷⁴ Section 961.06(1)(a), F.S.

⁷⁵ Section 961.06(1)(b), F.S.

⁷⁶ Section 961.06(1)(c), F.S.

⁷⁷ Section 961.06(1)(d), F.S.

⁷⁸ Section 961.06(1), F.S.

Further, all other evidence collected at the scene and presented at trial excluded Mr. DuBoise.

The bite mark evidence presented at trial is unreliable and inaccurate. The injury to the victim's cheek was not a bite mark, and was much larger than a human bite mark. The analysis and conclusions made by Dr. Souviron are inconsistent with current standards regarding bite mark evidence. Dr. Souviron first theorized that the biter was missing an upper tooth. When presented with Mr. DuBoise's dental impression, Dr. Souviron abandoned this theory. Dr. Souviron ultimately testified that Mr. DuBoise was the biter. This testimony would not be permitted by the ABFO standards today. Further, the process used to document and preserve the bite mark was faulty. The bite mark was excised and preserved in formaldehyde which caused distortion and shrinkage. Similarly, the process to collect dental impressions was also faulty. Beeswax was used, which does not take a proper impression and may distort when dental plaster is poured in. The dental impressions were taken by law enforcement and not by trained professionals.

The witnesses providing testimony against Mr. DuBoise were not credible. Claude Butler had no independent knowledge of the crime, and received a significant benefit by the assistant state attorney mitigating his sentence to time served. Similarly, witnesses Jack Audruskiewicz and Joan Suarez had no independent knowledge of the crime. Their testimony lacked substance, was inconsistent and not credible.

The materials presented did not include any substantiated evidence with regard to Mr. DuBoise being involved in the crime. Therefore, given the evidence provided during the claim bill process, which included:

- Testimony from Teresa Hall, the Supervising Attorney of the CRU for the Office of the State Attorney in the 13th Judicial Circuit in Florida;
- Testimony from Dr. Adam Freeman, a forensic odontologist.
- Testimony from Nancy Wilson, a Forensic DNA Analyst with Forensic Analytical Crime Lab in California;
- Testimony from Robert Earl DuBoise;
- CRU Fact Finding Report;

- Defendant's Motion for Postconviction Relief and to Vacate Judgment and Sentence Pursuant to Fla. R. Crim P. 3.850;
- State's Response to Defendant's Motion for Postconviction Relief and to Vacate Judgment and Sentence Pursuant to Fla. R. Crim. P. 3.850;
- Order Vacating Defendant's Judgment and Sentences (September 14, 2020);
- Forensic Analytical Crime Laboratory Reports;
- Sworn Affidavit of Dr. Adam Freeman, Board Certified Forensic Odontologist;
- Supplemental Exhibit, DuBoise Priors;
- Supplemental Exhibit, Is it a Human Bitemark Table; and
- Supplemental Exhibit, State v. Robert DuBoise, 83-CF-12669, Agreed Order to Modify Sentence,

the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated for 37 years.⁷⁹ The amount of \$1,850,000, calculated at the rate of \$50,000 per year is reasonable.

ATTORNEY FEES:

This bill does not allocate any funds for attorney or lobbying fees. Additionally, the claimant's attorney's submitted a Statement on Payment for Attorney and Lobbying Services, stating the claimant had retained attorney Seth Miller of the Innocence Project of Florida, to represent him during the Special Master portion of the Claim Bill Process. The claimant has retained attorneys Mark Delegal and Larry Sellers to perform legislative advocacy regarding passage of the claim bill. None of the aforementioned individuals are receiving any form of payment or compensation, and all representation is *pro bono*.⁸⁰

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing

⁷⁹ Mr. DuBoise was arrested on October 22, 1983 and released from the Department of Corrections on August 27, 2020. Mr. DuBoise spent 36 years, 10 months and 5 days wrongfully incarcerated.

⁸⁰ See, Innocence Project of Florida, Inc. *Statement on Payment for Attorney and Lobbying Services* (2023).

evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable. Based upon the foregoing, the undersigned recommends SB 62 be reported FAVORABLY.

Respectfully submitted,

Amanda Stokes

Senate Special Master

cc: Secretary of the Senate

By Senator Grall

29-00290-23

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1 A bill to be entitled
 2 An act for the relief of Robert Earl DuBoise;
 3 providing an appropriation to compensate Mr. DuBoise
 4 for being wrongfully incarcerated for almost 37 years;
 5 directing the Chief Financial Officer to draw a
 6 warrant payable directly to Mr. DuBoise; providing for
 7 the waiver of certain tuition and fees for Mr.
 8 DuBoise; requiring the Chief Financial Officer to pay
 9 the directed funds without requiring that Mr. DuBoise
 10 sign a liability release; declaring that the
 11 Legislature does not waive certain defenses or
 12 increase the state's limits of liability with respect
 13 to the act; prohibiting funds awarded under the act to
 14 Mr. DuBoise from being used or paid for specified
 15 attorney or lobbying fees; prohibiting Mr. DuBoise
 16 from submitting a compensation application under
 17 certain provisions upon his receipt of payment under
 18 this act; requiring specific reimbursement to the
 19 state should a civil award be issued subsequent to Mr.
 20 DuBoise's receipt of payment under the act; requiring
 21 Mr. DuBoise to notify the Department of Legal Affairs
 22 upon filing certain civil actions; requiring the
 23 department to file a specified notice under certain
 24 circumstances; providing that certain benefits are
 25 vacated upon specified findings; providing an
 26 effective date.
 27
 28 WHEREAS, Robert Earl DuBoise was arrested on October 22,
 29 1983, for the August 18, 1983, rape and murder of a Tampa Bay

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 woman and was convicted of capital murder and attempted sexual
 31 battery on March 7, 1985, and
 32 WHEREAS, Mr. DuBoise spent 3 years on death row, and
 33 WHEREAS, on March 10, 1988, the Florida Supreme Court
 34 issued a mandate vacating Mr. DuBoise's death sentence, and on
 35 April 4, 1988, he was resentenced to life imprisonment for
 36 murder and a consecutive 15-year sentence for attempted sexual
 37 battery, and
 38 WHEREAS, Mr. DuBoise has maintained his innocence since his
 39 arrest and for the entirety of his incarceration for the past 37
 40 years, and
 41 WHEREAS, on September 11, 2020, the Conviction Review Unit
 42 (CRU) for the State Attorney's Office for the 13th Judicial
 43 Circuit issued a 49-page "CRU Summary Fact-Finding Report" based
 44 on a comprehensive investigation spanning nearly 1 year,
 45 culminating in the conclusion that "Robert DuBoise's conviction
 46 should be vacated and Robert DuBoise be exonerated of the
 47 charges against him," and
 48 WHEREAS, on September 14, 2020, the Circuit Court for the
 49 13th Judicial Circuit granted, with the concurrence of the
 50 state, a motion for postconviction relief, vacated the judgment
 51 and sentence of Mr. DuBoise, and ordered a new trial, and
 52 WHEREAS, the CRU report found that there was no credible
 53 evidence of Mr. DuBoise's guilt and, likewise, that there was
 54 clear and convincing evidence of his innocence, and
 55 WHEREAS, on September 14, 2020, as the result of the CRU
 56 report, the state orally pronounced a nolle prosequi with regard
 57 to the retrial of Mr. DuBoise, and
 58 WHEREAS, the Legislature acknowledges that the state's

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system of justice yielded an imperfect result that had tragic consequences in this case, and

WHEREAS, the Legislature acknowledges that, as a result of his physical confinement, Mr. DuBoise suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned crimes, Mr. DuBoise had prior convictions for unrelated nonviolent felonies, and

WHEREAS, because of his prior nonviolent felony convictions, Mr. DuBoise is ineligible for compensation under chapter 961, Florida Statutes, and

WHEREAS, the Legislature apologizes to Mr. DuBoise on behalf of the state, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$1.85 million is appropriated from the General Revenue Fund to the Department of Financial Services for the relief of Robert Earl DuBoise for his wrongful incarceration. The Chief Financial Officer is directed to draw a warrant in the sum of \$1.85 million payable directly to Robert Earl DuBoise.

Section 3. Tuition and fees for Mr. DuBoise shall be waived for up to a total of 120 hours of instruction at any career

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center established pursuant to s. 1001.44, Florida Statutes, Florida College System institution established under part III of chapter 1004, Florida Statutes, or state university. For any educational benefit he receives, Mr. DuBoise must meet and maintain the regular admission and registration requirements of the career center, institution, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 4. The Chief Financial Officer shall pay the funds directed by this act without requiring that the wrongfully incarcerated person, Mr. DuBoise, sign a liability release.

Section 5. With respect to the relief for Mr. DuBoise as described in this act, the Legislature does not waive any defense of sovereign immunity or increase the limits of liability on behalf of the state or any person or entity that is subject to s. 768.28, Florida Statutes, or any other law. Funds awarded under this act to Mr. DuBoise may not be used or be paid for attorney fees or lobbying fees related to this claim.

Section 6. Upon his receipt of payment under this act, Mr. DuBoise may not submit an application for compensation under chapter 961, Florida Statutes.

Section 7. Claimant Mr. DuBoise must notify the Department of Legal Affairs upon filing any civil action related to his wrongful incarceration. If, after the time that monetary compensation is paid under this act, a court enters a monetary judgment in favor of Mr. DuBoise in a civil action related to his wrongful incarceration, or Mr. DuBoise enters into a settlement agreement with the state or any political subdivision thereof related to his wrongful incarceration, Mr. DuBoise must

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117 reimburse the state for the monetary compensation awarded under
118 this act, less any sums paid for attorney fees or costs incurred
119 in litigating the civil action or obtaining the settlement
120 agreement. A reimbursement required under this section may not
121 exceed the amount of monetary award Mr. DuBoise received for
122 damages in the civil action or settlement agreement. The court
123 must include in the order of judgment an award to the state of
124 any amount required to be deducted under this section.

125 Section 8. The department must file a notice of payment of
126 monetary compensation in the civil action, and the notice shall
127 constitute a lien upon any judgment or settlement recovered
128 under the civil action which is equal to the sum of monetary
129 compensation paid to the claimant under this act, less any
130 attorney fees and litigation costs.

131 Section 9. If any future judicial determination finds that
132 Mr. DuBoise, by DNA evidence or otherwise, participated in any
133 manner in the death or sexual battery for which he was
134 incarcerated, the unused benefits to which he is entitled under
135 this act are vacated.

136 Section 10. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: March 22, 2023

I respectfully request that **Senate Bill #62**, relating to Relief of Robert Earl DuBoise by the State of Florida, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 110

INTRODUCER: Appropriations Committee; Governmental Oversight and Accountability Committee; and Senator Hooper

SUBJECT: State Board of Administration

DATE: April 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Shettle</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 110 makes several changes to the investing capabilities and other responsibilities of the State Board of Administration (SBA), relating to the administration of the Investment Plan. Specifically, the bill:

- Allows the SBA to hold its real estate investments in subsidiaries, and allows them to be grouped into a real estate financing pool, through which it may generate additional income;
- Raises the cap on alternative investments from 20 to 30 percent;
- Amends the due diligence information required to be given to the Investment Advisory Council in advance of investment in vehicles that are not explicitly approved by statute;
- Clarifies that the SBA cannot pay benefits to a member of the Investment Plan who has been charged with, or convicted of, specific offenses that evince a breach of the public trust;
- Permits a waiver of the requirement that a member of the FRS who wishes to designate a non-spouse as his or her beneficiary receive an acknowledgement of that designation from the spouse;
- Revises the definition of the term “Boycott Israel” in s. 215.4725, F.S., relating to prohibited investments by the SBA, to expand the list of circumstances under which a company may be added to the list of scrutinized companies that boycott Israel; and
- Updates terminology.

The bill is not expected to impact state or local government revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

State Board of Administration Investing Duties

The State Board of Administration (SBA) is created in Article IV, s. 4(e) of the Florida Constitution. Its trustees are the Governor, the Chief Financial Officer, and the Attorney General. The board derives its powers to oversee state funds from Article XII, s. 9 of the Florida Constitution.

The SBA has responsibility for investing the assets of the Florida Retirement System (FRS) Pension Plan and administering the FRS Investment Plan,¹ which combined represent approximately \$195 billion, or approximately 84 percent, of the \$232.5 billion in assets managed by the SBA, as of November 30, 2022. The Pension Plan is a defined benefit plan and the Investment Plan is a defined contribution plan that employees may choose in lieu of the Pension Plan. The SBA also manages over 25 other investment portfolios, with combined assets of \$37 billion, including the Florida Hurricane Catastrophe Fund, the Florida Lottery Fund, the Florida Prepaid College Plan, and various debt-service accounts for state bond issues.²

The SBA follows fiduciary standards of care, subject to certain statutory restrictions and limitations when investing its assets.³ Pursuant to s. 215.444, F.S., a nine-member Investment Advisory Council provides recommendations on investment policy, strategy, and procedures. The SBA's authority to invest the funds, including FRS assets, is governed by s. 215.47, F.S., which provides for a "legal list" of the types of investments and for how much of any fund may be invested in each investment type.⁴

As part of its best interests, maximization, and diversification actions, the SBA invests in multiple asset classes: global equities, fixed income, real estate, strategic investments, and private equity. Relevant to this legislation, s. 215.47(15), F.S., limits the SBA's authority to invest funds in alternative investments at not more than 20 percent of any fund. "Alternative investment" means an investment in a private equity fund, venture fund, hedge fund, or distress fund or a direct investment in a portfolio company through an investment manager.⁵ The use of

¹ Section 120.4501(8), F.S. *See also*, R. 19-13.001, F.A.C.

² State Board of Administration, *Annual Investment Report: July 1, 2021 – June 30, 2022*, p. 2, available at <https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Annual/2021-2022-AIR.pdf?ver=2022-12-20-133041-763> (last visited Mar. 6, 2023).

³ Sections 215.44, 215.471, 215.472, 215.4725, and 215.273, F.S.

⁴ Section 215.47, F.S., sets some key guidelines such as:

- No more than 80 percent of assets may be invested in domestic common stocks.
- No more than 75 percent of assets may be invested in internally managed common stocks.
- No more than 3 percent of equity assets may be invested in the equity securities of any one corporation, except when the securities of that corporation are included in any broad equity index or with approval of the Board; and in such case, no more than 10 percent of equity assets may be invested in the equity securities of any one corporation.
- No more than 80 percent of assets may be placed in corporate fixed income securities.
- No more than 25 percent of assets may be invested in notes secured by FHA-insured or VA-guaranteed first mortgages on Florida real property, or foreign government general obligations with a 25-year default-free history.
- No more than 25 percent of assets may be invested in foreign corporate or commercial securities or obligations.

⁵ Section 215.4401(3)(a), F.S.

alternative investments vehicles was first authorized in 1996 at a maximum of 5 percent of a fund.⁶ In 2007, the use was expanded to include a broader spectrum of alternative investments, including private equity funds, venture funds, hedge funds, and distress funds.⁷ In 2008, this maximum threshold was increased to 10 percent.⁸ In 2012, the threshold was again increased to 20 percent.⁹

The table below shows key valuation and asset allocation data relating to the investments of the FRS pension plan assets. Over the three year period, the amount invested in the alternative investments (Strategic Investments and Private Equity) grew from 15.9 percent of the assets of the FRS to 21.4 percent of the assets, narrowing the capacity available under the 20 percent maximum threshold.

Asset Class	Dollar Volume (\$ billions) 6/30/2019 ¹⁰	Percentage of Fund 6/30/2019	Dollar Volume (\$ billions) 6/30/2022 ¹¹	Percentage of Fund 6/30/2022	Percentage Point Change in Assets Held by Fund
Global Equities	\$89.473	54.85%	\$87.054	48.40%	(6.45)
Fixed Income	\$30.715	18.83%	\$31.832	17.70%	(1.13)
Real Estate	\$15.266	9.36%	\$20.324	11.30%	1.94
Strategic Investments	\$14.029	8.60%	\$20.110	11.18%	2.58
Private Equity	\$11.902	7.30%	\$18.380	10.22%	2.92
Cash	\$1.747	1.07%	\$2.254	1.25%	(0.82)
Total	\$163.135	100%	\$179.855	100%	

The Private Equity asset class is generally described as illiquid with investment obligations contracted over at least a ten-year horizon. The Strategic Investments are typically quasi-liquid or illiquid with investment obligations contracted within a ten-year period. If the alternative investments pool volume begins to meet or exceed the statutory threshold, the SBA, in balancing its fiduciary duty against the statutory limitations, will be required to forego new investments in the assets class rather than divest in current active investments. Divesting in alternative investment vehicles to stay within the statutory threshold would require the SBA to sell assets prematurely, which may not be in the best interests of the fund.

FRS Investment Plan Investment Funds

While the SBA manages the funds that constitute the Pension Plan, they do not manage investments for the Investment Plan. The Investment Plan offers a diversified mix of primary investment funds in which the member can choose to invest his or her funds. These investment

⁶ Chapter 199-177, L.O.F., authorized the SBA to invest up to 5 percent of a fund in private equity through participation in limited partnerships and limited liability companies.

⁷ Chapter 2007-98, L.O.F.

⁸ Chapter 2008-31, L.O.F., increased the threshold to 10 percent and expanded this limitation to authorize SBA to invest in securities or investments that are not publicly traded and are not otherwise authorized in s. 214.47, F.S.

⁹ Chapter 2012-112, L.O.F.

¹⁰ State Board of Administration, *Annual Investment Report—Fiscal Year July 1, 2018 – June 30, 2019*, p. 16, available at https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Annual/2018_2019_AIR.pdf?ver=2020-02-20-125811-027 (last visited Mar. 6, 2023).

¹¹ State Board of Administration, *Annual Investment Report—July 1, 2021 – June 30, 2022*, available at <https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Annual/2021-2022-AIR.pdf?ver=2022-12-20-133041-763> (last visited Mar. 6, 2023).

funds are managed by private providers (such as Fidelity, Prudential, Stephens, T Rowe Price, and others) and have associated annual fees, as well as retirement objectives.¹²

Forfeiture of Retirement Benefits

Article II, s. 8 of the Florida Constitution provides that “[a]ny public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.”

Section 112.3173, F.S., provides for the forfeiture of all rights and benefits under any public retirement system (both the Pension Plan and Investment Plan) by a public officer or employee who is convicted before his or her retirement of the following specified offenses:

- Embezzlement of public funds;
- Theft from his or her employer;
- Bribery in connection with his or her public employment;
- Any crime relating to bribery or misuse of a public office, under ch. 838, F.S.;
- Any impeachable offense;
- Any felony committed with intent to defraud the public or the employing agency, and through the commission of which, the member used or attempted to use his or her position’s power, rights, privileges, or duties to profit, gain, or realize an advantage; and
- Felony-level lewd or lascivious acts against a victim younger than 16, or felony sexual battery against a victim younger than 18, committed by using the member’s powers, rights, privileges, or duties of the member’s public position.

Additionally, s. 121.091(5)(f)-(h), F.S., provides for the member’s forfeitures of benefits (other than the member’s accumulated contributions). Section 121.091(5)(i), F.S., prohibits the Division of Retirement from distributing benefits should a member be found to have committed one of the crimes specified in s. 112.3173. The Division of Retirement distributes pension plan benefits, and the SBA distributes investment plan benefits.

Prohibited Investments by the SBA for Companies that Boycott Israel

The SBA is required to maintain a list of companies that participate in a boycott of Israel.¹³ Section 215.4725, F.S., defines the term “boycott Israel” or “boycott of Israel” to mean refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner. This definition does not include:

- Restrictive trade practices; or
- Boycotts fostered or imposed by foreign countries against Israel.¹⁴

¹² Florida Retirement System, *Investment Plan—Investment Fund Summary, January 2023*, p. 5, available at https://www.myfrs.com/pdf/forms/invest_fund_summary.pdf (last visited Mar. 6, 2023).

¹³ State Board of Administration, *Global Governance Mandates*, available at <https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/GlobalGovernanceMandates.aspx> (last visited April 17, 2023).

¹⁴ Section 215.4725, F.S.

The SBA is required to provide notice to any companies added to the list which informs the company that it may become subject to investment prohibition by the Public Fund. The notice also must inform the company of the opportunity to clarify its activities or cease the boycott of Israel. If after 90 days, the company does not cease its activities, the Public Fund is prohibited from acquiring direct holdings of the company.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 121.091(5)(i), F.S., to clarify that the SBA cannot pay retirement benefits to any member who has been convicted of a lewd and lascivious offense against a victim under the age of 16 (as defined in s. 800.04, F.S.), or sexual battery against a victim younger than 18 (as defined in ch. 794, F.S.), through the member's use or attempted use of the power, rights, privileges, duties, or position of the member's public office or employment. The bill makes a conforming change to s. 121.091(5)(k), F.S., to prohibit the SBA from paying retirement benefits during the pendency of such charges against the member. Current law prohibits only the Division of Retirement from paying member benefits based on those specified crimes.

Section 2 amends s. 121.4501(8), F.S., to allow the SBA to develop, create, and offer investment products in the investment plan as an alternative to those products offered by private provider.

Section 2 also amends s. 121.4501(20), F.S., to allow the SBA to waive the requirement that a member's spouse acknowledge the member's choice of a beneficiary other than the spouse. This waiver would apply when (1) the married member designates someone other than his or her spouse, (2) the spouse either cannot be located, or fails to affirmatively acknowledge the designation, and (3) the member then submits an affidavit that explains the circumstances and requests waiver of the spousal acknowledgement by the state board.

A waiver is not required in the case of designation of non-spouse contingent beneficiaries.

Section 3 amends s. 215.47(6), F.S., to reduce the specific information the SBA must give to its Investment Advisory Council in advance on an investment that is not specifically authorized by ss. 215.44-215.53, F.S., and instead allows for a "detailed analysis of the investment" for any such proposed investment activity. This aligns with the resolution adopted that directs the SBA to invest based on pecuniary factors.¹⁶

Section 3 also amends s. 215.47(15), F.S., to increase the amount of funds that the SBA may invest in alternative investments to 30 percent of total fund assets from 20 percent of total fund assets.

Lastly Section 3 amends s. 215.47(2), F.S., to allow the SBA to create subsidiary limited liability entities or joint ventures, otherwise known as a real estate financing pool. These subsidiary interests will be empowered to hold the SBA's investment mortgages and related instruments

¹⁵ *Id.*

¹⁶ SBA, *A Resolution Directing an Update to the Investment Policy Statement and Proxy Voting Policies for the Florida Retirement System Defined Benefit Pension Plan, and Directing the Organization and Execution of an Internal Review* (Aug. 23, 2022), available at <https://www.flgov.com/wp-content/uploads/2022/08/ESG-Resolution-Final.pdf> (last visited Mar. 6, 2023).

that are secured by real property, and instruments that contain provisions for equity or income participation or with provisions for convertibility to equity ownership, and interests in real property related collective investment funds.

The SBA is currently permitted to invest in these real estate vehicles, but states that the placement of the funds into subsidiaries would limit its liability exposure from these investments.

Current law allows the SBA to include costs for acquisition and operation of real property assets as part of its overall investment costs. The bill creates an additional method for the SBA to fund its real property subsidiaries' administrative operations by allowing both the SBA and those subsidiaries to issue securities and borrow money through loans or other financial obligations, including bonds, equity securities, and other security instruments. These instruments could be unsecured or secured by investments in real property or related cash flows, and guaranteed by the related fund or financial covenants.

The bill also makes conforming changes to terminology throughout to accommodate the SBA's creation of subsidiaries.

Section 4 amends s. 215.4725, F.S., to amend the definition of the terms "boycott Israel" and "boycott of Israel" to include "taking adverse action, including changes to published commercial financial ratings, risk ratings, and controversy ratings based on nonpecuniary factors, to inflict economic harm on Israel or persons or entities doing business with Israel or in Israeli-controlled territories," and to delete the exclusion of restrictive trade practices or boycotts fostered or imposed by foreign countries against Israel.

The bill requires the Public Fund to divest, in addition to the prohibition on investment under current law, from companies that are on the list of Scrutinized Companies that Boycott Israel, if, after 90 days following the Public Fund's notice, the company continues to boycott Israel. The Public Fund is required to sell, redeem, divest, or withdraw all publicly traded securities of the company from the Public Fund within 12 months after the company's most recent appearance on the list. The bill also provides procedures for companies that cease the boycott of Israel after being notified, but then resume such activities thereafter.

The SBA is authorized to cease divestment from or reinvest in certain scrutinized companies if clear and convincing evidence shows that the value of all assets under management by the Public Fund becomes equal or less than 99.50 percent, or 50 basis points, of the hypothetical value of all assets under management by the Public Fund, assuming no divestment for any company had occurred.

The SBA is required to provide a written report to each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives in advance of the divestment, which sets forth the reasons and justification for its decision to divest in a scrutinized company.

Miscellaneous

The bill updates terms throughout, for example, substituting “entity” for “corporation” and “securities”¹⁷ for “stock” in order to reflect current industry terminology.

Sections 5, 6 and 7 reenact ss. 112.661, 420.503, and 1002.36, F.S., respectively, to incorporate the expansion of expressly authorized investments in s. 215.47, F.S., to apply to local retirement systems or plans, the Florida Housing Finance Corporation, and the Board of Trustees of the Florida School for the Deaf and the Blind.

Section 8 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties’ or municipalities’ ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁷ A “security” is any note, stock, treasury stock, security future, security-based swap, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or in general, any interest or instrument commonly known as a ‘security’, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe or purchase, any of the foregoing. 115 U.S.C. §77b. Securities are generally governed by the Securities and Exchange Commission.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The SBA's foray into real estate financing pool investments may help to create an infusion of additional money into the overall funds managed by the SBA, including those which support the Pension Plan. This diversification may therefore ensure longer-term financial stability of the Pension Plan.

The SBA states that the increase in alternative investments cap would allow for more investment flexibility, and permit the funds to take advantage of the currently strong private equity market. Additionally, the SBA states that it will be required to forego new investments in alternative investments, as their investments currently meet the cap.¹⁸

Similarly, the SBA states that the ability to manage its real estate holdings as a real estate financing pool (owned through subsidiaries) would allow for greater flexibility and lower management costs.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 121.091, 121.4501, 215.47, and 215.4725.

This bill reenacts the following sections of the Florida Statutes: 112.661(5)(a), 420.503(3)(a), and 1002.36(4)(e).

¹⁸ SBA, *Senate Bill 110 Agency Analysis*, p. 3 (Mar. 3, 2023)(on file with the Senate Committee on Governmental Oversight and Accountability).

¹⁹ *Id.* at p. 2.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on April 13, 2023:

The committee substitute makes the following changes:

- Amends the definition of the terms “boycott Israel” and “boycott of Israel” to include adverse actions that inflict economic harm on Israel or businesses that engage with Israel or Israeli-controlled territories, and to delete the exclusion of restrictive trade practices or boycotts fostered or imposed by foreign countries;
- Clarifies that the SBA, acting as the Public Fund, may choose to divest in addition to the current option to prohibit investment from companies that are placed on the Scrutinized Companies that Boycott Israel List;
- Provides for procedures by which the Public Fund may divest from companies that are on the List, and choose to cease divestment or reinvest in such companies.

CS by Governmental Oversight and Accountability on March 7, 2023:

The CS makes the following changes:

- Clarifies that the SBA cannot pay benefits to a member of the Investment Plan who has been charged with, or convicted of, specific offenses that evince a breach of the public trust;
- Adds procedures to waive the requirement that a member of the FRS who wishes to designate a non-spouse as his or her beneficiary receive an acknowledgement of that designation from the spouse;
- Removes language that would direct the SBA to invest based on pecuniary factors only; and
- Removes approval to use subsidiary entities that hold alternative investments to issue securities and borrow money.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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The Committee on Appropriations (Hooper) recommended the following:

Senate Amendment (with title amendment)

Between lines 247 and 248
insert:

Section 5. Section 215.4725, Florida Statutes, is amended
to read:

215.4725 Prohibited investments by the State Board of
Administration; companies that boycott Israel.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Boycott Israel" or "boycott of Israel" means refusing



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to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner. A statement by a company that it is participating in a boycott of Israel, or that it has initiated a boycott in response to a request for a boycott of Israel or in compliance with, or in furtherance of, calls for a boycott of Israel, may be considered by the State Board of Administration to be evidence that a company is participating in a boycott of Israel. The term includes taking adverse action, including changes to published commercial financial ratings, risk ratings, and controversy ratings based on non-pecuniary factors, to inflict economic harm on Israel or persons or entities doing business in Israel or in Israeli-controlled territories. ~~The term does not include restrictive trade practices or boycotts fostered or imposed by foreign countries against Israel.~~

(b) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, and parent companies, that exists for the purpose of making profit.

(c) "Direct holdings" in a company means all securities of that company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

(d) "Indirect holdings" in a company means all securities of that company that are held in a commingled fund or other



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collective investment, such as a mutual fund, in which the public fund owns shares or interests, together with other investors not subject to this section or which are held in an index fund.

(e) "Public fund" means all funds, assets, trustee, and other designates under the State Board of Administration pursuant to part I of chapter 121.

(f) "Scrutinized companies" means companies that boycott Israel or engage in a boycott of Israel.

(2) IDENTIFICATION OF COMPANIES.—

(a) The public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future. Such efforts include:

1. To the extent that the public fund finds it appropriate, reviewing and relying on publicly available information regarding companies that boycott Israel, including information provided by nonprofit organizations, research firms, international organizations, and government entities;

2. Contacting asset managers contracted by the public fund for information regarding companies that boycott Israel; or

3. Contacting other institutional investors that prohibit such investments or that have engaged with companies that boycott Israel.

(b) By the first meeting of the public fund following the identification of scrutinized companies in accordance with paragraph (a), the public fund shall compile and make available the "Scrutinized Companies that Boycott Israel List."

(c) The public fund shall update and make publicly



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available quarterly the Scrutinized Companies that Boycott Israel List based on evolving information from, among other sources, those listed in paragraph (a).

(3) REQUIRED ACTIONS.—The public fund shall adhere to the following procedures for assembling companies on the Scrutinized Companies that Boycott Israel List.

(a) *Engagement*.—

1. The public fund shall immediately determine the companies on the Scrutinized Companies that Boycott Israel List in which the public fund owns direct or indirect holdings.

2. For each company newly identified under this paragraph, the public fund shall send a written notice informing the company of its scrutinized company status and that it may become subject to investment prohibition or divestment by the public fund. The notice must inform the company of the opportunity to clarify its activities regarding the boycott of Israel and encourage the company to cease the boycott of Israel within 90 days in order to avoid qualifying for investment prohibition or divestment.

3. If, within 90 days after the public fund's first engagement with a company pursuant to this paragraph, the company ceases a boycott of Israel, the company shall be removed from the Scrutinized Companies that Boycott Israel List, and the provisions of this section shall cease to apply to that company unless that company resumes a boycott of Israel.

(b) *Divestment*.—

1. If, after 90 days following the public fund's first engagement with a company pursuant to paragraph (a), the company continues to boycott Israel, the public fund shall sell, redeem,



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divest, or withdraw all publicly traded securities of the company from the public fund within 12 months after the company's most recent appearance on the Scrutinized Companies that Boycott Israel List.

2. If a company that ceased a boycott of Israel following engagement pursuant to paragraph (a) resumes such activities, this paragraph immediately applies, and the board shall send a written notice to the company. The company shall also be immediately reintroduced onto the Scrutinized Companies that Boycott Israel List, as applicable.

~~(c)(b)~~ *Prohibition.*—The public fund is prohibited from acquiring ~~may not acquire~~ securities of companies on the Scrutinized Companies that Boycott Israel List, except as provided in paragraph (c) and subsection (6).

~~(d)(e)~~ *Excluded securities.*—Notwithstanding the provisions of this section, paragraph (b) does not apply to:

1. Indirect holdings. However, the public fund shall submit letters to the managers of such investment funds containing companies that boycott Israel requesting that they consider removing such companies from the fund or create a similar fund having indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund shall replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards. For the purposes of this section, an alternative investment, as the term is defined in s. 215.4401, and securities that are not publicly traded are deemed to be indirect holdings.

2. Exchange-traded funds.



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(4) REPORTING.—

(a) The public fund shall file a report with each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives which includes the Scrutinized Companies that Boycott Israel List within 30 days after the list is created. This report shall be made available to the public.

(b) At each quarterly meeting of the Board of Trustees thereafter, the public fund shall file a report, which shall be made available to the public and to each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives, which includes:

1. A summary of correspondence with companies engaged by the public fund under subparagraph (3)(a)2.;

2. All prohibited investments under paragraph (3) (c) ~~(b)~~;

3. Any progress made under paragraph (3) (d) ~~(e)~~; and

4. A list of all publicly traded securities held directly by the public fund.

(5) INVESTMENT POLICY STATEMENT OBLIGATIONS.—The public fund's actions taken in compliance with this section, including all good faith determinations regarding companies as required by this act, shall be adopted and incorporated into the public fund's investment policy statement as provided in s. 215.475.

(6) INVESTMENT AND REINVESTMENT IN CERTAIN SCRUTINIZED COMPANIES.—Notwithstanding any other provision of this section, the public fund may invest in, cease divesting from, or reinvest in, certain scrutinized companies if clear and convincing evidence shows that the value of all assets under management by



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the public fund becomes equal to or less than 99.50 percent, or 50 basis points, of the hypothetical value of all assets under management by the public fund, assuming no investment prohibition or divestment for any company had occurred under paragraph (3)(b). Cessation of the investment prohibition, divestment, reinvestment, or ~~and~~ any new investment in a scrutinized company is limited to the minimum steps necessary to avoid the contingency described in this subsection. For any cessation of the investment prohibition, divestment, reinvestment, or ~~and~~ new investment authorized by this subsection, the public fund shall provide a written report to each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives in advance of the divestment, reinvestment, or new investment, updated semiannually thereafter as applicable, setting forth the reasons and justification, supported by clear and convincing evidence, for its decisions to cease the investment prohibition, divestment, or reinvestment in scrutinized companies.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 38

and insert:

investments; amending s. 215.4725, F.S.; amending the definition of the terms "Boycott Israel" or "boycott of Israel"; requiring the public fund to notify companies it places on the Scrutinized Companies that



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Boycott Israel List that they may be subject to
divestment; providing a timeframe for the public
fund's divestment from companies that boycott Israel,
and processes for the companies' reintroduction on the
Scrutinized Companies that Boycott Israel List in
certain circumstances; authorizing the public fund to
cease its divestment from or reinvest in certain
scrutinized companies if the value of all assets under
management by the public fund becomes equal to or less
than a specified amount, pursuant to specified
procedures; reenacting ss. 112.661(5)(a),



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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The Committee on Appropriations (Hooper) recommended the following:

Senate Amendment to Amendment (356102)

Delete lines 104 - 174

and insert:

this paragraph immediately applies, and the public fund shall send a written notice to the company. The company shall also be immediately reintroduced onto the Scrutinized Companies that Boycott Israel List, as applicable.

(c) ~~(b)~~ Prohibition.—The public fund is prohibited from acquiring ~~may not acquire~~ securities of companies on the



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Scrutinized Companies that Boycott Israel List, except as provided in paragraph (d)~~(e)~~ and subsection (6).

(d)~~(e)~~ *Excluded securities.*—Notwithstanding the provisions of this section, paragraph (c)~~(b)~~ does not apply to:

1. Indirect holdings. However, the public fund shall submit letters to the managers of such investment funds containing companies that boycott Israel requesting that they consider removing such companies from the fund or create a similar fund having indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund shall replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards. For the purposes of this section, an alternative investment, as the term is defined in s. 215.4401, and securities that are not publicly traded are deemed to be indirect holdings.

2. Exchange-traded funds.

(4) REPORTING.—

(a) The public fund shall file a report with each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives which includes the Scrutinized Companies that Boycott Israel List within 30 days after the list is created. This report shall be made available to the public.

(b) At each quarterly meeting of the Board of Trustees thereafter, the public fund shall file a report, which shall be made available to the public and to each member of the Board of Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives,



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which includes:

1. A summary of correspondence with companies engaged by the public fund under subsection (3)~~subparagraph (3)(a)2~~;

2. All investments sold, redeemed, divested, or withdrawn in compliance with paragraph (3)(b).

3. All prohibited investments under paragraph (3)(c)~~(b)~~;

4. ~~3.~~ Any progress made under paragraph (3)(d)~~(e)~~; and

5. ~~4.~~ A list of all publicly traded securities held directly by the public fund.

(5) INVESTMENT POLICY STATEMENT OBLIGATIONS.—The public fund's actions taken in compliance with this section, including all good faith determinations regarding companies as required by this act, shall be adopted and incorporated into the public fund's investment policy statement as provided in s. 215.475.

(6) INVESTMENT AND REINVESTMENT IN CERTAIN SCRUTINIZED COMPANIES.—Notwithstanding any other provision of this section, the public fund may invest in, cease divestment from, or reinvest in, certain scrutinized companies if clear and convincing evidence shows that the value of all assets under management by the public fund becomes equal to or less than 99.50 percent, or 50 basis points, of the hypothetical value of all assets under management by the public fund, assuming no investment prohibition or divestment for any company had occurred under subsection (3)~~paragraph (3)(b)~~. Cessation of the investment prohibition or divestment, reinvestment, or~~and~~ any new investment in a scrutinized company is limited to the minimum steps necessary to avoid the contingency described in this subsection. For any cessation of the investment prohibition or divestment, reinvestment, or~~and~~ new investment authorized by



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69 | this subsection, the public fund shall provide a written report
70 | to each member of the Board of Trustees of the State Board of
71 | Administration, the President of the Senate, and the Speaker of
72 | the House of Representatives in advance of the cessation of
73 | investment prohibition or divestment, reinvestment, or new
74 | investment, updated semiannually thereafter as applicable,
75 | setting forth the reasons and justification, supported by clear
76 | and convincing evidence, for its decisions to cease the
77 | investment prohibition or divestment, or to reinvest in
78 | scrutinized companies.

By the Committee on Governmental Oversight and Accountability;
and Senator Hooper

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1 A bill to be entitled
2 An act relating to the State Board of Administration;
3 amending s. 121.091, F.S.; prohibiting the State Board
4 of Administration from paying benefits to a Florida
5 Retirement System investment plan member convicted of
6 specified felonies; requiring the state board to
7 return to a member contributions that were accumulated
8 up to the date of conviction; prohibiting the state
9 board from paying benefits until the resolution of the
10 proceedings of any potentially disqualifying offenses;
11 amending s. 121.4501, F.S.; authorizing the state
12 board to develop investment products to be offered in
13 the investment plan; revising the process for a
14 member's spouse to acknowledge that he or she is not
15 the primary beneficiary of the member's benefits;
16 authorizing a member to request a waiver of such
17 acknowledgement under certain circumstances; amending
18 s. 215.47, F.S.; revising the types of investments in
19 real property and related personal property which the
20 state board may invest in; authorizing the state board
21 and certain affiliated entities and ventures to issue
22 securities and borrow money through specified means;
23 authorizing the state board to use the proceeds of
24 loans or financing obligations as loans to or sources
25 of funding for certain entities or ventures; requiring
26 the ownership of an entity holding title to real
27 property to be vested in the name of the Florida
28 Retirement System Trust Fund; revising the funds in
29 which the state may invest no more than 80 percent of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 its moneys available for investments; revising the
31 requirements of the proposed plan the state board must
32 present to the Investment Advisory Council to invest
33 in unauthorized investments; deleting authorization
34 for the council to obtain independent investment
35 counsel to provide expert advice on state board
36 investment activity; revising the threshold for the
37 amount that may be invested in alternative
38 investments; reenacting ss. 112.661(5)(a),
39 420.503(3)(a), and 1002.36(4)(e), F.S., relating to
40 authorized investments, the definition of "authorized
41 investments", and investments made on behalf of the
42 Florida School for the Deaf and the Blind,
43 respectively, to incorporate the amendments made to s.
44 215.47, F.S., in references thereto; providing an
45 effective date.

47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraphs (i) and (k) of subsection (5) of
50 section 121.091, Florida Statutes, are amended to read:
51 121.091 Benefits payable under the system.—Benefits may not
52 be paid under this section unless the member has terminated
53 employment as provided in s. 121.021(39)(a) or begun
54 participation in the Deferred Retirement Option Program as
55 provided in subsection (13), and a proper application has been
56 filed in the manner prescribed by the department. The department
57 may cancel an application for retirement benefits when the
58 member or beneficiary fails to timely provide the information

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit represented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(i) The division or the state board may not pay benefits to any member convicted of a felony committed on or after October 1, 2008, defined in s. 800.04 against a victim younger than 16 years of age, or defined in chapter 794 against a victim younger than 18 years of age, through the use or attempted use of power, rights, privileges, duties, or position of the member's public office or employment position. However, the division or the state board shall return the member's accumulated contributions, if any, that the member accumulated as of the date of conviction.

(k) Benefits may ~~shall~~ not be paid by the division or the state board pending final resolution of such charges against a member or beneficiary if the resolution of such charges could require the forfeiture of benefits as provided in paragraph (f),

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paragraph (g), paragraph (h), paragraph (i), ~~or~~ paragraph (j), or chapter 112.

Section 2. Paragraph (b) of subsection (20) of section 121.4501, Florida Statutes, is amended, and paragraph (h) is added to subsection (8) of that section, to read:

121.4501 Florida Retirement System Investment Plan.—

(8) INVESTMENT PLAN ADMINISTRATION.—The investment plan shall be administered by the state board and affected employers. The state board may require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its statutory duties and responsibilities for the investment plan. An oath, by affidavit or otherwise, may not be required of a member at the time of enrollment.

Acknowledgment of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election. The state board shall adopt rules to carry out its statutory duties with respect to administering the investment plan, including establishing the roles and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors. The department shall adopt rules necessary to administer the investment plan in coordination with the pension plan and the disability benefits available under the investment plan.

(h) The state board, consistent with its fiduciary responsibilities, may develop one or more investment products to be offered in the investment plan.

(20) DESIGNATION OF BENEFICIARIES.—

(b) If a member is married, but does not designate his or

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her spouse as ~~designates~~ a primary beneficiary, the spouse must be notified and acknowledge that he or she has not been so designated. Notwithstanding the foregoing, if the spouse cannot be located or fails to affirmatively acknowledge that he or she has not been so designated, the member may request that the acknowledgement requirement be waived by the state board by submitting an affidavit setting forth the particular facts and circumstances ~~other than the member's spouse, the member's spouse must sign the beneficiary designation form to acknowledge the designation.~~ This requirement does not apply to the designation of one or more contingent beneficiaries to receive benefits remaining upon the death of the primary beneficiary or beneficiaries.

Section 3. Paragraph (e) of subsection (2) and subsections (3), (6), and (15) of section 215.47, Florida Statutes, are amended to read:

215.47 Investments; authorized securities; loan of securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(2) With no more than 25 percent of any fund in:

(e) Certain interests in real property and related personal property which may be owned through affiliated limited liability entities or joint ventures, which include, but are not limited to, including mortgages and related instruments secured by ~~on commercial or industrial~~ real property, and instruments containing with provisions for equity or income participation or with provisions for convertibility to equity ownership; and

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interests in real property-related collective investment funds. The State Board of Administration and its affiliated limited liability entities or joint ventures may issue securities and borrow money through loans or other financial obligations, including bonds, equity securities, and other security instruments, any of which may be unsecured or secured by investments in real property or related cash flows, guaranteed by the related fund, or governed by financial covenants. The proceeds of such loans or financing obligations may be loaned to or otherwise used as a source of funding for affiliated limited liability entities or joint ventures. Associated expenditures for acquisition and operation of assets purchased under this provision or of investments in private equity or other private investment partnerships or limited liability companies must ~~shall~~ be included as a part of the cost of the investment.

1. The title to real property, or ownership of the entity holding title to real property, acquired under this paragraph shall be vested in the name of the respective fund.

2. For purposes of taxation of property owned by any fund, the provisions of s. 196.199(2) (b) do not apply.

3. Real property acquired under ~~the provisions of~~ this paragraph may ~~shall~~ not be considered state lands or public lands and property as defined in chapter 253, and ~~the provisions of that chapter~~ does ~~do~~ not apply to such real property.

(3) With no more than 80 percent of any fund in equity securities or securities convertible into equity securities of any entity common stock, preferred stock, and interest-bearing obligations of a corporation having an option to convert into common stock, provided that all of the following apply:

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175 (a) That the entity is either:

176 1. ~~The corporation is~~ Organized under the laws of the
177 United States, any state or organized territory of the United
178 States, or the District of Columbia; or

179 2. ~~(b) The corporation is~~ Listed on any one or more of the
180 recognized national stock exchanges in the United States and
181 conforms with the periodic reporting requirements under the
182 Securities Exchange Act of 1934.

183 ~~(b)(c)~~ Not more than 75 percent of the fund may be in
184 internally managed equity securities ~~common stock~~.

185

186 The board may ~~shall~~ not invest more than 10 percent of the
187 equity assets of any fund in the equity securities ~~common stock~~,
188 ~~preferred stock, and interest-bearing obligations having an~~
189 ~~option to convert into common stock, of any one issuing entity~~
190 ~~corporation; and the board may shall~~ not invest more than 3
191 percent of the equity assets of any fund in such securities of
192 any one issuing entity ~~corporation~~ except to the extent a higher
193 percentage of the same issue is included in a nationally
194 recognized market index, based on market values, at least as
195 broad as the Standard and Poor's Composite Index of 500
196 Companies, or except upon a specific finding by the board that
197 such higher percentage is in the best interest of the fund.

198 (6) With no more than 5 percent of any fund to be invested
199 as deemed appropriate by the board, notwithstanding investment
200 limitations otherwise expressed in this section. ~~Before~~ Prior to
201 the board engages ~~engaging~~ in any investment activity not
202 otherwise authorized under ss. 215.44-215.53, excluding
203 investments in publicly traded securities, options, financial

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204 futures, or similar instruments, the board shall present to the
205 Investment Advisory Council a proposed plan for such investment.
206 Such ~~said~~ plan must ~~shall~~ include, but not be limited to, a
207 detailed analysis of the investment, the expected benefits and
208 potential risks of such activity, ~~and the~~ methods for
209 monitoring and measuring the performance of the investment, ~~a~~
210 ~~complete description of the type, nature, extent and purpose of~~
211 ~~the investment, including description of issuer, security in~~
212 ~~which investment is proposed to be made, voting rights or lack~~
213 ~~thereof and control to be acquired, restrictions upon voting,~~
214 ~~transfer, and other material rights of ownership, and the~~
215 ~~existence of any contracts, arrangements, understandings, or~~
216 ~~relationships with any person or entity (naming the same) with~~
217 ~~respect to the proposed investment; and assurances that~~
218 ~~sufficient investment expertise is available to the board to~~
219 ~~properly evaluate and manage such activity. The Investment~~
220 ~~Advisory Council may obtain independent investment counsel to~~
221 ~~provide expert advice with regard to such proposed investment~~
222 ~~activity by the board, and the board shall defray such costs.~~

223 (15) With no more, in the aggregate, than 30 ~~20~~ percent of
224 any fund in alternative investments through participation in an
225 alternative investment vehicle as those terms are defined in s.
226 215.4401(3) (a), or in securities or investments that are not
227 publicly traded and not otherwise authorized by this section.

228 Section 4. For the purpose of incorporating the amendments
229 made by this act to section 215.47, Florida Statutes, in a
230 reference thereto, paragraph (a) of subsection (5) of section
231 112.661, Florida Statutes, is reenacted to read:

232 112.661 Investment policies.—Investment of the assets of

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any local retirement system or plan must be consistent with a written investment policy adopted by the board. Such policies shall be structured to maximize the financial return to the retirement system or plan consistent with the risks incumbent in each investment and shall be structured to establish and maintain an appropriate diversification of the retirement system or plan's assets.

(5) AUTHORIZED INVESTMENTS.—

(a) The investment policy shall list investments authorized by the board. Investments not listed in the investment policy are prohibited. Unless otherwise authorized by law or ordinance, the investment of the assets of any local retirement system or plan covered by this part shall be subject to the limitations and conditions set forth in s. 215.47(1)-(6), (8), (9), (11) and (17).

Section 5. For the purpose of incorporating the amendments made by this act to section 215.47, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 420.503, Florida Statutes, is reenacted to read:

420.503 Definitions.—As used in this part, the term:

(3) "Authorized investments" means any of the following securities:

(a) Investments permitted under s. 215.47(1) and (2), without regard to any limitation set forth therein.

Section 6. For the purpose of incorporating the amendments made by this act to section 215.47, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 1002.36, Florida Statutes, is reenacted to read:

1002.36 Florida School for the Deaf and the Blind.—

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(4) BOARD OF TRUSTEES.—

(e) The board of trustees is invested with full power and authority to:

1. Appoint a president, faculty, teachers, and other employees and remove the same as in its judgment may be best and fix their compensation.

2. Procure professional services, such as medical, mental health, architectural, and engineering.

3. Procure legal services without the prior written approval of the Attorney General.

4. Determine eligibility of students and procedure for admission.

5. Provide for the students of the school necessary bedding, clothing, food, and medical attendance and such other things as may be proper for the health and comfort of the students without cost to their parents, except that the board of trustees may set tuition and other fees for nonresidents.

6. Provide for the proper keeping of accounts and records and for budgeting of funds.

7. Enter into contracts.

8. Sue and be sued.

9. Secure public liability insurance.

10. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees taking into consideration the purposes of the establishment.

11. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any

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291 person, firm, corporation, or other legal entity. However, the
292 board of trustees may not obligate the state to any expenditure
293 or policy that is not specifically authorized by law. If the
294 bill of sale, will, trust indenture, deed, or other legal
295 conveyance specifies terms and conditions concerning the use of
296 such money or property, the board of trustees shall observe such
297 terms and conditions.

298 12. Deposit outside the State Treasury such moneys as are
299 received as gifts, donations, or bequests and may disburse and
300 expend such moneys, upon its own warrant, for the use and
301 benefit of the Florida School for the Deaf and the Blind and its
302 students, as the board of trustees deems to be in the best
303 interest of the school and its students. Such money or property
304 does not constitute and may not be considered a part of any
305 legislative appropriation.

306 13. Sell or convey by bill of sale, deed, or other legal
307 instrument any property, real or personal, received as a gift,
308 donation, or bequest, upon such terms and conditions as the
309 board of trustees deems to be in the best interest of the school
310 and its students.

311 14. Invest such moneys in securities enumerated under s.
312 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,
313 an Investment Management Fund exclusively for nonprofit
314 educational institutions.

315 15. After receiving approval from the Administration
316 Commission, exercise the power of eminent domain in the manner
317 provided in chapter 73 or chapter 74.

318 Section 7. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: March 9, 2023

I respectfully request that **Senate Bill # 110**, relating to State Board of Administration, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-13-23

Meeting Date

SB110

Bill Number or Topic

Appropriations

Committee

356102

Amendment Barcode (if applicable)

Name

Lamar Taylor (State Board of Administration of Florida)

Phone

850-413-1187

Address

1801 Hermitage Blvd

Street

Email

lamar.taylor@sbafla.com

Tallahassee

City

FL

State

32308

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

State Board of
Administration

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 198

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: April 12, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Vickers	TR	Fav/CS
2. Nortelus	Jerrett	ATD	Favorable
3. Nortelus	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 198 repeals Part III of ch. 343, F. S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority. The bill dissolves the authority on June 30, 2024, and requires it to provide for discharge of its liabilities, to settle and close its affairs, to close out and dispende any applicable federal or state grants or funds, and to provide for distribution of the authority's assets as specified. The authority is required to provide specified notices and forward its records to the Department of State upon final dissolution. The bill removes a reference to the Tampa Bay Area Regional Authority Master Plan to conform to the repeal.

The bill appears to present no fiscal impact to the state. See the "Fiscal Impact" heading for additional information.

Except as otherwise provided, the bill takes effect July 1, 2023.

II. Present Situation:

History of the Transportation/Transit Authority and Related Entities

The Tampa Bay Regional *Transportation* Authority (Transportation Authority) was created in 2007 with the express purposes to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county area of Citrus, Hernando,

Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.¹ At that time, the West Central Florida Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) appointed one member to the board of the Transportation Authority. The Transportation Authority was required to present its original master plan and updates to the governing bodies of the seven counties, to the West Central Florida MPO CCC, and to the legislative delegation members representing the seven counties. The Transportation Authority was also required to coordinate plans and projects with the West Central Florida MPO CCC, to the extent practicable, and to participate in the regional MPO planning process to ensure regional comprehension of the Transportation Authority's mission, goals, and objectives.²

In 2016, the West Central Florida MPO CCC was renamed as the Transportation Authority MPO CCC, and the Transportation Authority was directed to provide administrative support and direction to the Transportation Authority MPO CCC.³

In 2017, the Transportation Authority was renamed as the Tampa Bay Area Regional *Transit* Authority (TBARTA), removing Citrus and Sarasota counties as areas covered, leaving Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, as well as any other contiguous county that is party to an agreement of participation. Appointment by the also-renamed TBARTA MPO CCC of a board member to the TBARTA was repealed.⁴

In 2021, the Legislature repealed certain duties and responsibilities of the TBARTA, including the duty to:

- Present the regional transit development plan and updates to the TBARTA MPO CCC;
- Coordinate plans and projects with the TBARTA MPO CCC;
- Participate in the regional MPO planning process; and
- Provide administrative support to the TBARTA MPO CCC.

References to the “TBARTA MPO” CCC were removed, leaving creation of today's statutory Chairs Coordinating Committee composed of the MPOs serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties.⁵

The Sun Coast Transportation Planning Alliance (SCTPA) is the apparent successor to the West Central Florida MPO CCC and continues serving the West Central Florida area covered by the MPOs and transportation planning organizations in the same counties as the statutory CCC.

The Sun Coast Transportation Planning Alliance (SCTPA), formerly the MPO Chairs Coordinating Committee (CCC), of West Central Florida is the longest-standing regional transportation planning compact among MPOs in the State of Florida, and its members are Hernando/Citrus, Hillsborough, Pasco, Pinellas, Polk, and Sarasota/Manatee. The group also includes advisors from the Tampa Bay Area Regional Transit Authority

¹ Chapter 2007-254, L.O.F.

² *Id.*

³ Chapter 2016-239, L.O.F.

⁴ Chapter 2017-98, L.O.F.

⁵ Chapter 2021-188, L.O.F. Section 339.175(6)(i), F.S.

(TBARTA), the Florida Department of Transportation (FDOT), the Tampa Bay Regional Planning Council (TBRPC), Pinellas Suncoast Transit Authority (PSTA), and Hillsborough Area Regional Transit (HART).⁶

A review of the SCTPA's website suggests it is actively engaged in regional transportation planning.⁷ Among other relevant information such as transit and trails visions, the Regional Long-Range Transportation Plan, and funding priorities, the website offers items such as assistance relating to public involvement with the SCTPA's activities and services such as an interactive Tri-County Trails Map reflecting trails and bike lanes throughout the Tampa Bay Region.⁸

The CCC's minimum statutory duties remain as follows:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.⁹

Current TBARTA Duties and Responsibilities

Currently, the TBARTA, an agency of the state, is established in Part III of Ch. 343, F.S., covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, and any other county that is party to an agreement for participation.¹⁰ The express purposes of TBARTA are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve with the consent of the Governor or designee, as the recipient of federal funds supporting an intercounty project or an intercountry capital project that represents a phase of an intercounty project that exists in a single county within the designated region.¹¹

The TBARTA's governing board is composed of 13 voting members as follows:

- Each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties appoint one member, each of whom serve two-year terms with not more than three consecutive terms being served by any person;

⁶ Suncoasttpa, *Alliance Members*, available at [Alliance Members – Sun Coast TPA](#) (last visited January 26, 2023).

⁷ Suncoasttpa, *Our Board*, available at [Our Board – Sun Coast TPA](#) (last visited January 26, 2023).

⁸ Suncoasttpa.org.

⁹ Section 339.175(6)(i), F.S.

¹⁰ Section 343.91(1)(a), F.S.

¹¹ Section 343.922(1), F.S.

- Two members must be the mayors, or their designated alternates,¹² of the two largest municipalities within the respective service areas of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART), or their legislatively created successor agencies;
- The PSTA and the HART, or their legislatively created successor agencies, each appoint one member from their respective governing bodies; and
- The Governor appoints four members of the regional business community, each of whom must reside in one of the counties governed by the authority, and none of whom may be an elected official. They serve a two-year term with not more than three consecutive terms being served by any person. Each member appointed will serve a two-year term with not more than three consecutive terms being served by any person.¹³

In recent years, apparently based on concerns relating to duplication of functions performed by other entities, a shift of focus to studying and planning rather than on deliverable transit programs,¹⁴ and concerns at the local level,¹⁵ the efficacy of the TBARTA's continued existence appears to be in question. For the last three years, funding for the TBARTA in the annual General Appropriations Act has been vetoed.¹⁶

On January 20, 2023, the TBARTA's executive director recommended to the governing board support for the repeal of the TBARTA's enabling act and approval of the director's proposed plan to settle and close the agency's affairs. Among other details of the executive director's recommendation were provisions for:

- Severance and benefits for the executive director and the director of accounting, as well as payout of unused vacation hours for all staff;
- Close-out of state and federal grants and return of funds, as appropriate;
- Termination of state lobbying services, office lease, and telephone service;
- Transfer of the vanpool program;¹⁷
- Reimbursement to Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties in March of 2024 in the same proportion as funds contributed;¹⁸
- Discontinuance of operations on December 31, 2023, with final closure completed on March 31, 2024; and
- Transfer of agency records to the Department of State by March 31, 2024.¹⁹

¹² The mayors' designated alternates must be an elected member of the municipality's city council and approved as the mayors' alternates by the city council. Section 343.92(2)2.b., F.S.

¹³ Section 343.92(2)(b), F.S.

¹⁴ See, e.g., Florida Politics, *Tampa Bay transit authority survives attempt to dissolve it*, April 27, 2021, available at [Tampa Bay transit authority survives attempt to dissolve it \(floridapolitics.com\)](https://www.floridapolitics.com/story/tampa-bay-transit-authority-survives-attempt-to-dissolve-it/2021/04/27/tampa-bay-transit-authority-survives-attempt-to-dissolve-it/7444444001), and [Nick DiCeglie carries Jeff Brandes' TBARTA torch, again files to repeal agency \(floridapolitics.com\)](https://www.floridapolitics.com/story/nick-diceglie-carries-jeff-brandes-tbarta-torch-again-files-to-repeal-agency/2023/01/26/nick-diceglie-carries-jeff-brandes-tbarta-torch-again-files-to-repeal-agency/7444444001) (last visited January 26, 2023).

¹⁵ See TransitTalent, *Tampa Bay transit agency heads for derailment*, October 21, 2022, available at [Tampa Bay transit agency heads for derailment \(transittalent.com\)](https://www.transittalent.com/story/tampa-bay-transit-agency-heads-for-derailment/2022/10/21/tampa-bay-transit-agency-heads-for-derailment/7444444001) (last visited January 26, 2023).

¹⁶ See the 2020 Veto List, Line Item # 1958 A, p. 14, available at [2020-Veto-List.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2020-Veto-List.pdf), the 2021 Veto List, Line Item #1915 A, p. 4, available at [2021-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2021-Veto-List-Final.pdf), and the 2022 Veto List, Line Item #1988 A, p. 9, available at [2022-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2022-Veto-List-Final.pdf) (last visited January 26, 2023).

¹⁷ For details on the TBARTA vanpool program, see tbarta.com, *Commute Tampa Bay*, available at [Commute Tampa Bay | TBARTA](https://tbarta.com/commute-tampa-bay) (last visited January 31, 2023).

¹⁸ See *Infra* note 19, p. 68, for a table reflecting the estimated reimbursements.

¹⁹ For more details on the closure plan, see [PowerPoint Presentation \(tbarta.com\)](https://tbarta.com/powerpoint-presentation), starting at p. 61.

The board approved the recommendation.²⁰

III. Effect of Proposed Changes:

The bill repeals Part III of Ch 343, F.S., relating to the creation and operation of the TBARTA. The TBARTA is dissolved effective July 1, 2024.

The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the TBARTA board in proportion to each county's contribution to the TBARTA in the 2021-2022 fiscal year;
- Settle and close its affairs, and transfer any pending activities, including but not limited to, the administration of its vanpool program;
- Close and appropriately disburse any applicable federal or state grants or funds;
- Provide for distribution of its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

Lastly, the bill amends s. 341.302(3)(b), F.S., to make a conforming revision by removing a reference to "the Tampa Bay Area Regional Authority Master Plan."

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁰ A video of the board meeting is available at [January Board Meeting|TBARTA](#) (last visited January 26, 2026).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

Indeterminate, but likely insignificant. While the ultimate fiscal impact of dissolving the TBARTA is indeterminate, the board-approved closure plan indicates the expectation of apportioned reimbursements to the affected counties.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals Part III of chapter 343 of the Florida Statutes, consisting of the following sections: 343.90, 343.91, 343.92, 343.922, 343.94, 343.941, 343.943, 343.944, 343.947, 343.95, 343.96, 343.962, 343.97, 343.973, 343.975, and 343.976.

This bill creates an undesignated section of law.

This bill amends section 341.302 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on February 7, 2023:

The committee substitute provides more specific instructions for closing out the TBARTA's affairs, adds provisions for assumption of any remaining liability in excess of assets, requires specified notices of dissolution, and requires forwarding of the TBARTA's records to the Department of State upon final dissolution.

²¹ *Supra* note 18.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Transportation; and Senator DiCeglie

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A bill to be entitled

An act relating to the Tampa Bay Area Regional Transit Authority; repealing part III of ch. 343, F.S., relating to the creation and operation of the authority; dissolving the authority and requiring the authority to perform specified activities; amending s. 341.302, F.S.; conforming a provision to changes made by the act; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Part III of chapter 343, Florida Statutes, consisting of ss. 343.90, 343.91, 343.92, 343.922, 343.94, 343.941, 343.943, 343.944, 343.947, 343.95, 343.96, 343.962, 343.97, 343.973, 343.975, and 343.976, Florida Statutes, is repealed.

Section 2. Effective June 30, 2024, the Tampa Bay Area Regional Transit Authority is dissolved. The authority shall:

(1) Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the authority's board in proportion to each county's contribution to the authority in the 2021-2022 fiscal year;

(2) Settle and close its affairs, and transfer any pending activities, including, but not limited to, the administration of its vanpool program;

(3) Close and appropriately dispense any applicable federal or state grants or funds;

(4) Provide for distribution of the authority's remaining

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assets, if any, such that each county represented on the authority's board receives an amount in proportion to each county's contribution to the authority in the 2021-2022 fiscal year;

(5) Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the authority's board; and

(6) Forward its records to the Department of State upon final dissolution.

Section 3. Paragraph (b) of subsection (3) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other governmental entities, including the rail enterprise and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs.

(b) In recognition of the department's role in the enhancement of the state's rail system to improve freight and passenger mobility, the department shall:

1. Work closely with all affected communities along an impacted freight rail corridor to identify and address anticipated impacts associated with an increase in freight rail

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59 traffic due to implementation of passenger rail.

60 2. In coordination with the affected local governments and
61 CSX Transportation, Inc., finalize all viable alternatives from
62 the department's Rail Traffic Evaluation Study to identify and
63 develop an alternative route for through freight rail traffic
64 moving through Central Florida, including the counties of Polk
65 and Hillsborough, which would address, to the extent
66 practicable, the effects of commuter rail.

67 3. Provide technical assistance to a coalition of local
68 governments in Central Florida, including the counties of
69 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
70 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
71 Sumter, and Volusia, and the municipalities within those
72 counties, to develop a regional rail system plan that addresses
73 passenger and freight opportunities in the region, is consistent
74 with the Florida Rail System Plan, and incorporates appropriate
75 elements of the ~~Tampa Bay Area Regional Authority Master Plan,~~
76 the Metroplan Orlando Regional Transit System Concept Plan,
77 including the SunRail project, and the Florida Department of
78 Transportation Alternate Rail Traffic Evaluation.

79 Section 4. Except as otherwise expressly provided in this
80 act, this act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 490

INTRODUCER: Appropriations Committee; Commerce and Tourism Committee; and Senator Jones and others

SUBJECT: Investigations into the Deaths of Minors

DATE: April 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Erickson</u>	<u>Stokes</u>	<u>CJ</u>	<u>Favorable</u>
3.	<u>Kolich</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 490 amends s. 960.001 F.S., to require that during the investigation of the death of a minor, the law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor's next of kin with certain information relating to contact information for the investigation, case number, list of the minor's personal effects found on or with the minor and information on how the minor's next of kin can obtain such personal effects, and information regarding the status of the investigation.

The law enforcement agency may not provide any of the above-mentioned information if doing so would jeopardize or otherwise interfere with an active investigation.

The law enforcement agency is not required under these new provisions to provide investigative records generated during its investigation to a minor's next of kin.

The bill also amends s. 497.005, F.S., relating to the Florida Funeral, Cemetery, and Consumer Services Act, to prevent *any* person that has been arrested for committing an act of domestic violence against the deceased or any act that resulted in or contributed to the death of the deceased from being awarded any legal benefit under the Florida Funeral, Cemetery, and Consumer Services Act.

The effective date of the bill is July 1, 2023.

II. Present Situation:

Curtis' Law

In 1997, 16-year-old Curtis Williamson was murdered in California.¹ Afterwards, his mother, Patricia Ward, had difficulty obtaining information related to the investigation of his death.² Since then, his mother moved to Florida and began pushing for greater investigation information access for parents of deceased minors.³ An organization, Curtis's & Co for Children Gone to Soon, Inc., was formed to advocate for law reform nationwide to mandate that certain investigative and contact information be made available to surviving family members in certain circumstances.⁴ The proposed law is called Curtis' Law.⁵

In 2022, California passed SB 1268, a version of Curtis' Law, which requires the law enforcement agency that bears the primary responsibility for the investigation to provide a deceased minor victim's parent or guardian with the following information:⁶

- Contact information of the primary law enforcement agency and the primary contact at such agency,
- Case number,
- List of personal effects found with the minor and contact information to recover such effects, unless doing so would interfere with an investigation, and
- Status of the investigation, at the discretion of the law enforcement agency.⁷

Law enforcement is not required to provide any information that would jeopardize or otherwise allow an individual to interfere with the ongoing investigation or any records generated pursuant to their investigation for inspection by a victim's family. Law enforcement agencies providing information may require any family member receiving the information to confirm their identity through a certified declaration.⁸

Family Members of Homicide Victims Leave Laws in Other States

There are a few states that have adopted leave laws for family and household members of homicide victims. In California, an immediate family member of a victim who is deceased as the direct result of certain crimes may take leave to participate in a related jury trial or judicial

¹ Cole Heath, Action News Jax, *Proposed Curtis Law would give families of murdered children information about their child's case*, [Proposed Curtis Law would give families of murdered children information about their child's case – Action News Jax](#) (last visited March 28, 2023).

² Justice 4 Curtis, *Our Story*, [Our Story - Curtis's & Co for Children Gone to Soon \(justice4curtis.org\)](#) (last visited March 28, 2023).

³ Action Jax News, *supra*, at note 42.

⁴ Justice 4 Curtis, *supra*, at note 43.

⁵ Justice 4 Curtis, Curtis Law, [The Proposed Law - Curtis's & Co for Children Gone to Soon \(justice4curtis.org\)](#) (last visited March 28, 2023).

⁶ Cal. Penal Code s. 679.09.

⁷ This requirement also applies to immediate family if a parent or guardian cannot be located. "Immediate family" means the victim's spouse, parent, guardian, grandparent, aunt, uncle, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption.

⁸ *Id.*

proceeding.⁹ There must be notice and proof that the employee was affected and needs this type of leave.¹⁰

In 2021, Missouri signed the Victims' Economic Security and Safety Act (VESSA) into law.¹¹ Under the VESSA, an employee receives leave if they or a family or household member is a victim of any "crime of violence," if the employer has 20 or more employees.¹² For employers with 20-49 employees, an employee has one week of leave, and for employers with 50 or more employees, an employee receives two weeks of leave. The leave can be paid or unpaid.¹³ A crime of violence includes: homicide, sex offenses, assault, an offense involving bodily harm, harassment, armed violence, obscene communications, terrorism, and any similar criminal action.¹⁴ The leave may be received intermittently or on a reduced work schedule.¹⁵ The VESSA also gives employment protection.¹⁶

Illinois adopted a law similar to the VESSA.¹⁷ Victims of crimes of violence or who have family or household members who are victims of such violence may take up to 12 weeks of unpaid leave in any 12-month period to seek medical help, legal advice, counseling, safety precautions, and other related activities.¹⁸

Household Members of Homicide Victims

An estimated 1 in 10 Americans will lose a loved one to homicide during their lifetime.¹⁹ In the immediate aftermath of a homicide a family member may incur burial and funeral expenses, possible economic or material hardships, and changes in family dynamics.²⁰ Household members of a homicide victim may need to attend funerals, ceremonies, court proceedings, and deal with safety concerns. Currently, Florida law doesn't address employment leave to cover such activities for family and household members of homicide victims.

Victim Rights

Section 960.001, F.S., provides a list of rights for victims and witnesses in the criminal justice system. The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts

⁹ Cal. Labor Code s. 230.

¹⁰ *Id.*

¹¹ Missouri HR-417 Victims Economic Safety and Security Act Leave.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ EPIC Brokers, *Missouri Passes the Victims' Economic Safety and Security Act*, <https://www.epicbrokers.com/insights/missouri-passes-victims-economic-safety-security-act/#:~:text=On%20August%2028%2C%202021%2C%20Governor%20Mike%20Parson%20of,household%20member%20a re%20victims%20of%20violence%20or%20abuse> (last visited March 28, 2023).

¹⁶ *Id.*

¹⁷ 820 Ill. Comp. Stat. 180/5.

¹⁸ Illinois Department of Labor, *Victims' Economic Security and Safety Act (VESSA)*, <https://labor.illinois.gov/laws-rules/conmed/vessa.html> (last visited March 24, 2023).

¹⁹ Sara Bastomski, PhD & Marina Duane, MID, *Research brief: Homicide Co-Victimization*, Center for Victim Research (2018), <https://victimresearch.org/documents/hcv-research-brief-final.pdf> (last visited March 28, 2023).

²⁰ *Id.*

Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency are required to develop and implement guidelines for the use of their respective agencies to achieve specified objectives. While s. 960.001, F.S., provides rights to victims of many different crimes, the following rights are related to rights of the next of kin of a victim of homicide:

- Law enforcement officers must distribute victim's rights cards or brochures informing on the right of the next of kin of a homicide victim to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with the constitutional rights of the accused.²¹
- In the case of a homicide, law enforcement officers or personnel of an organization that provides assistance to the appropriate next of kin of the victim must request that the next of kin of the victim complete a victim notification card, which provides a way of notification if a defendant is released from custody.²²
- The chief administrator of a county jail, municipal jail, juvenile detention facility, or residential commitment facility must make a reasonable attempt to notify the appropriate next of kin or designated contact of a victim of homicide before the defendant's or offender's release from custody, if the victim notification card has been provided.²³
- The appropriate agency must provide notification of certain judicial and post-judicial proceedings to the parent or guardian of a minor victim and a relative of a homicide victim.
 - A victim's parent or guardian if the victim is a minor, or a victim's next of kin may not be excluded from any portion of any proceeding, unless the court determines such person's presence to be prejudicial.²⁴
- The state attorney must consult the guardian or family of a victim of a homicide, in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime.²⁵
- Upon request, the state attorney must allow the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report before the sentencing hearing if one was completed.
 - Any confidential information that pertains to medical history, mental health, or substance abuse and any information that pertains to any other victim must be redacted from the copy of the report.
 - Any person who reviews the report pursuant to this paragraph must maintain the confidentiality of the report and may not disclose its contents to any person except statements made to the state attorney or the court.²⁶
- The Department of Corrections must, upon request, notify the victim's parent or guardian if the victim is a minor, or the victim's next of kin if the victim is a homicide victim, if an inmate has been approved for community work release.²⁷

²¹ Section 960.001(1)(a)5., F.S.

²² Section 960.001(1)(b), F.S.

²³ Section 960.001(1)(f), F.S.

²⁴ Section 960.001(1)(e), F.S.

²⁵ Section 960.001(1)(g)1., F.S.

²⁶ Section 960.001(1)(g)2., F.S.

²⁷ Section 960.001(1)(g)3., F.S.

The Florida Funeral, Cemetery, and Consumer Services Act

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.²⁸ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.²⁹

Section 497.005(43), F.S., defines the term “legally authorized person” by providing a priority listing which begins with the decedent (when written inter vivos authorizations and directions are provided by the decedent) and includes relatives of the decedent.³⁰ Additionally, the definition provides for other persons who may qualify— such as a public health officer, medical examiner or county commission – should a family member not exist or be available.³¹ Thus, if a legally authorized person is not available, a court of competent jurisdiction may provide the written authorization prior to the disinterment and reinterment of a dead human body.³²

Killers Can Not Benefit Under Will or Probate Code

Section 732.802, F.S., provides that any surviving person who unlawfully and intentionally kills or participates in procuring the death of the decedent is not entitled to any benefits that they may normally be entitled to under a valid will or through the probate process. Instead, property appointed by the will of the decedent passes as if the killer had predeceased the decedent.³³ The same general principal of the killer or accomplice to the killer not being allowed to benefit applies to situations such as property inheritance,³⁴ beneficiary of bonds or life insurance and other contractual agreements.³⁵

III. Effect of Proposed Changes:

The bill provides that the act may be cited as “Curtis’ Law.”

The bill amends s. 960.001, F.S., to require that, during the investigation of the death of a minor, the law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor’s next of kin with all of the following information:

- The contact information for the primary contact, if known, for the particular investigation, as well as the contact information for each law enforcement agency involved in the investigation.
- The case number for the investigation, if applicable.
- A list of the minor’s personal effects that were found on or with the minor and information on how the minor’s next of kin can collect such personal effects.

²⁸ See Section 497.001, F.S.

²⁹ Sections 497.101 and 497.103, F.S.

³⁰ Section 497.005(43), F.S.

³¹ *Id.*

³² Section 497.384(3), F.S.

³³ Section 732.802(1), F.S.

³⁴ Sections 732.802(2) and 732.802(4), F.S.

³⁵ Section 732.802(3), F.S.

- Information regarding the status of the investigation, at the discretion of the law enforcement agency.

The law enforcement agency may not provide any of the above-mentioned information if doing so would jeopardize or otherwise interfere with an active investigation.

The law enforcement agency is not required under these new provisions to provide investigative records generated during its investigation to a minor's next of kin for inspection.³⁶

The bill also amends s. 497.005, F.S., relating to the Florida Funeral, Cemetery, and Consumer Services Act, to prevent *any* person that has been arrested for committing an act of domestic violence against the deceased or any act that resulted in or contributed to the death of the deceased from being awarded any legal benefit under the Florida Funeral, Cemetery, and Consumer Services Act.

The effective date of the bill is July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

³⁶ This is not a public records exemption. The bill is simply stating that the new provisions in s. 960.01, F.S., do not obligate the law enforcement agency to provide the investigative records generated during its investigation to a minor's next of kin for inspection. If the information is available in active investigation records, it is exempt from public disclosure pursuant to s. 119.071(2)(a), F.S.; if not, it would be available for inspection upon public request the same as any other non-exempt public record.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Law enforcement agencies will need to create guidelines for transmitting certain investigative information to a deceased child's next of kin.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 960.001 and 497.005

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on April 13, 2023:

The committee substitute amends s. 497.005, F.S., relating to the Florida Funeral, Cemetery, and Consumer Services Act, to prevent *any* person that has been arrested for committing an act of domestic violence against the deceased or any act that resulted in or contributed to the death of the deceased from being awarded any legal benefit under the Florida Funeral, Cemetery, and Consumer Services Act.

CS by Commerce and Tourism on March 27, 2023:

The committee substitute removes Section 2 from the bill which provided leave and work accommodations for family or household members of homicide victims.

B. Amendments:

None.



254124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment (with title amendment)

Between lines 48 and 49
insert:

Section 1. Subsection (43) of section 497.005, Florida
Statutes, is amended to read:

497.005 Definitions.—As used in this chapter, the term:
(43) (a) “Legally authorized person” means, in the priority
listed:

1. ~~(a)~~ The decedent, when written inter vivos authorizations



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and directions are provided by the decedent;

~~2.-(b)~~ The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while in military service as described in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;

~~3.-(c)~~ The surviving spouse, ~~unless the spouse has been arrested for committing against the deceased an act of domestic violence as defined in s. 741.28 that resulted in or contributed to the death of the deceased;~~

~~4.-(d)~~ A son or daughter who is 18 years of age or older;

~~5.-(e)~~ A parent;

~~6.-(f)~~ A brother or sister who is 18 years of age or older;

~~7.-(g)~~ A grandchild who is 18 years of age or older;

~~8.-(h)~~ A grandparent; or

~~9.-(i)~~ Any person in the next degree of kinship.

(b) In addition, the term legally authorized person may include, if no family member exists or is available from paragraph (a), the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II of chapter 406 or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is



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willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

No person who has been arrested for committing against the deceased an act of domestic violence as defined in s. 741.28, or any act that resulted in or contributed to the death of the deceased shall be accorded any legally recognizable interest under this section consistent with s. 732.802.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 7

and insert:

An act relating to deceased individuals; providing a short title; amending s. 960.001, F.S.; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; amending s. 497.055, F.S.; revising a definition; providing construction; providing an effective

By the Committee on Commerce and Tourism; and Senator Jones

577-03155-23

2023490c1

A bill to be entitled

An act relating to investigations into the deaths of minors; providing a short title; amending s. 960.001, F.S.; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as "Curtis' Law."

Section 2. Paragraph (v) is added to subsection (1) of section 960.001, Florida Statutes, to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(v) Information concerning an investigation into the death of a minor.—

1. During the investigation of the death of a minor, the

577-03155-23

2023490c1

law enforcement agency that initiates or bears the primary responsibility for the investigation must provide the minor's next of kin with all of the following information:

a. The contact information for the primary contact, if known, for the particular investigation, as well as the contact information for each law enforcement agency involved in the investigation.

b. The case number for the investigation, if applicable.

c. A list of the minor's personal effects that were found on or with the minor and information on how the minor's next of kin can collect such personal effects.

d. Information regarding the status of the investigation, at the discretion of the law enforcement agency.

2. A law enforcement agency may not provide any of the information under this paragraph if doing so would jeopardize or otherwise interfere with an active investigation.

3. This paragraph does not require a law enforcement agency to provide investigative records generated during its investigation to a minor's next of kin for inspection.

Section 3. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

Senator Shevrin D. "Shev" Jones
218 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

To: Chair Doug Broxson
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 4, 2023

I respectfully request that **SB 490: Investigations into the Deaths of Minors**, be placed on the:

- ☒ Committee agenda at your earliest possible convenience.
- ☐ Next committee agenda.

A handwritten signature in blue ink, appearing to be "Shev", is written above a horizontal line.

Senator Shevrin Jones
Florida Senate, District 34

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Crime Survivors for Safety + Justice

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 726

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rodriguez

SUBJECT: Library Cooperative Grants

DATE: April 12, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	Favorable
3.	<u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 726 removes the cap of \$400,000 for the annual grant to the library cooperatives for the purpose of sharing library resources.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect July 1, 2023.

II. Present Situation:

The Division of Library and Information Services

The Division of Library and Information Services (Division) was created within the Department of State (Department). The Division was designated as the state library administrative agency.¹ The Division is responsible for collecting, preserving, and providing public access to the published history of Florida.²

¹ Section 257.12, F.S.

² Department of State, *About the State Library of Florida*, available at <https://dos.myflorida.com/library-archives/about-us/about-the-state-library-of-florida/> (Last visited Mar. 11, 2023).

Allocation of State Funds

State funds allocated to libraries must be expended only for library purposes in the manner prescribed by the Division. The Division must establish operating standards under which libraries and library cooperatives will be eligible to receive state funds³ The Division is required to certify to the Chief Financial Officer the amount of funds paid to each county, municipality, special district, or special tax district on or before December 1 of each year.⁴

Library Cooperative Programs

The Interstate Library Compact⁵ provides that any two or more state library agencies may undertake and conduct joint or cooperative library programs. The legislative intent of the library cooperatives program is to:

- Meet the needs of state residents which cannot be met independently by local libraries;
- Build upon the strength of local libraries and to augment their resources with regional and statewide services;
- Maintain local autonomy and to make cooperation in regional or statewide activities voluntary; and
- Recognize programs of cooperation undertaken by libraries and provide for state financial assistance to encourage library cooperative development.⁶

The administrative unit of a library cooperative is eligible to receive an annual grant (i.e., a library cooperative grant) from the state of not more than \$400,000 for the purpose of sharing library resources. The grant is based upon an annually updated 5 year, long-range plan. The plan must include a description of how the cooperative will share technology and be submitted to the Division.⁷ A resource sharing needs assessment must also be completed. The assessment must include:

- A description of the needs;
- Rationale for addressing or not addressing items on the assessment;
- Information on the activities to be completed during the grant cycle; and
- A timeline of all the proposed activities.⁸

The assessment coupled with the long-range plan must determine which resource sharing needs the library cooperative will address during the grant cycle.

³ Sections 257.15 and 257.41(2), F.S. Section 257.41(2), F.S., further providing that the division must issue a certificate to each library cooperative that meets the standards and rules established.

⁴ Section 257.22, F.S.

⁵ Section 257.28, F.S.

⁶ Section 257.40, F.S.

⁷ Section 257.42, F.S.

⁸ Florida Department of State, Division of Library and Information Services, *Library Cooperative Grant Guidelines*, available at <https://files.floridados.gov/media/705355/cooperative-grant-guidelines-2022-2023.pdf> (Last visited Mar.11, 2023).

Florida's five Library Cooperative Grant Program service areas are shown on the following map:⁹



Grant Awards and Local Cash Match

The total amount available to fund the Library Cooperative Grant Program depends on the amount appropriated by the Legislature. In recent years, the Legislature has appropriated \$2 million annually for library cooperative grants. This means each cooperative received the maximum \$400,000 grant. There is no administrative rule regarding equal distribution of funds among the library cooperatives. If the Legislature appropriates less than the amount requested by the Division, the amount appropriated will be prorated equally among the approved grantees.¹⁰ The administrative unit of a library cooperative is eligible to receive an annual grant as specified in law and must provide local cash matching funds equal to 10 percent of the grant award. If a library cooperative does not show sufficient funds from local sources to meet the requirement of a 10 percent cash match in its grant application, the Division will reduce the grant to a level that will enable the library cooperative to meet the requirement.¹¹

Grant Agreement

A grant agreement must be signed by both the grant recipient's governing body and the Division. Grant applications that are funded and any change requests will become a part of the grant agreement between the Division and the Grantee. Submission of a change request may necessitate an amendment to the grant agreement. No grant funds will be released before the grant agreement is executed between the Division and the grantee.

Grant Payments

Grant awards will be paid in five payments. Payments will be made upon satisfactory completion of the deliverables specified in the grant agreement. Payment requests and supporting documentation must be submitted on the Department Grants System. Any grant compliance

⁹ Department of State, *Library Cooperative Grants*, available at <https://dos.myflorida.com/library-archives/library-development/funding/cooperative/> (Last visited Mar. 11, 2023).

¹⁰ Section 257.21, F.S.

¹¹ See supra note 10.

issues must be resolved before a grant award agreement may be executed and before grant payments for any Department grant may be released.¹²

Use of Grant Funds

All grant and the local matching funds must be spent on resource sharing activities. Specifically the funds may be used for:

- Resource sharing activities;
- Consultation in relation to resource sharing;
- Facilitation in relation to resource sharing;
- Technology related to resource sharing;
- Training; and
- Operational costs.¹³

III. Effect of Proposed Changes:

Section 1 amends s. 257.42, F.S., to remove the \$400,000 cap on an annual library cooperative grant. Thus, if the Legislature appropriates more than \$2 million, the department will be able to allocate amounts over the current \$400,000 threshold.

Section 2 provides the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹² See supra note 10.

¹³ See supra note 8.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

A library cooperative will be permitted to receive a grant in excess of \$400,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 257.42 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on March 7, 2023:

The committee substitute retains the current law language referring to library cooperatives as grants, rather than appropriations. The CS removes the cap on the amount a library cooperative may receive as a grant.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Rodriguez

585-02359-23

2023726c1

A bill to be entitled

An act relating to library cooperative grants;
amending s. 257.42, F.S.; deleting the limitation on
the funding a library cooperative is eligible to
receive; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 257.42, Florida Statutes, is amended to
read:

257.42 Library cooperative grants.—The administrative unit
of a library cooperative is eligible to receive an annual grant
from the state ~~of not more than \$400,000~~ for the purpose of
sharing library resources based upon an annual plan of service
and expenditure and an annually updated 5-year, long-range plan
of cooperative library resource sharing. Those plans, which must
include a component describing how the cooperative will share
technology and the use of technology, must be submitted to the
division ~~of Library and Information Services of the Department~~
~~of State~~ for evaluation and possible recommendation for funding
in the division's legislative budget request. Grant funds may
not be used to supplant local funds or other funds. A library
cooperative must provide from local sources matching cash funds
equal to 10 percent of the grant award.

Section 2. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 926

INTRODUCER: Education Pre-K -12 Committee and Senator Rodriguez and others

SUBJECT: Florida Virtual School

DATE: April 12, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Gray</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 926 creates a process to provide support to military children who are out-of-state due to the duty station of their military parent. Allowing a parent to request flexibility in assessment administration to permit a Florida Virtual School (FLVS) full-time student to participate in statewide, standardized assessments while out-of-state.

The fiscal impact of the bill is indeterminate, but minimal. See Section V.

The bill takes effect on July 1, 2023.

II. Present Situation:

Florida Virtual School

The Florida Virtual School (FLVS) was established to develop and deliver online and distance learning education¹ and is part of Florida's public school system.² The Commissioner of Education is charged with monitoring the performance of the FLVS. The FLVS is required to serve any student in the state who meets the profile for success in online and distance learning education, giving priority to students:

- Who need expanded access to courses in order to meet their educational goals.
- Seeking accelerated access to obtain a high school diploma at least one semester early.

¹ Section 1002.37(1)(a), F.S.

² Section 1000.04(5), F.S.

- Who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.³

Children of military personnel not stationed in Florida are considered Florida residents for purposes of enrollment in the FLVS if their home of record or state of legal residence is Florida. This allows such students to enroll in the FLVS without having to pay tuition.

The FLVS is authorized to provide full-time and part-time instruction for students in kindergarten through grade 12. Public school students receiving full-time instruction by the FLVS must take all required statewide assessments, and students receiving part-time instruction in courses requiring statewide end-of-course assessments must take all required assessments. Unless an alternative testing site is mutually agreed to by the FLVS and the school district or a qualified contractor, all industry certification examinations, national assessments, progress monitoring, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.⁴

During the 2021-2022 school year, the FLVS served 11,832 unduplicated students in the full-time program and completed 361,362 semester enrollments in the part-time program.⁵

Currently there are 172 military family full-time students enrolled in the FLVS. Of these:⁶

- Sixty-one are enrolled in grades K-5, of which 21 are stationed out-of-state.
- Fifty-nine are enrolled in grades 6-8, of which 21 are living out-of-state and 7 are enrolled in courses requiring a statewide standardized end-of-course (EOC) assessment.⁷
- Fifty-two are in grades 9-12, of which 11 are living out-of-state and 8 are enrolled in courses requiring a statewide standardized EOC assessment.⁸

Statewide Assessments

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards. Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and Mathematics assessments at least annually beginning in the 3rd grade.⁹ Federal law also requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.¹⁰ Additionally, federal law allows a state to use multiple statewide interim assessments that result in a single summative score,¹¹ a single summative assessment, or

³ Section 1002.37(1), F.S.

⁴ Section 1002.37(9) and (10), F.S.

⁵ Florida Department of Education, *Fact Sheet, Florida's Public Virtual Education Programs* (2022), available at <https://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

⁶ Email, Keenen Vernon, Deputy Director of Legislative Affairs, Florida Department of Education, (March 31, 2023) (on file with Senate Committee on Education).

⁷ Sections 1003.4156(1)(b) and 1003.4282(3), F.S.

⁸ Section 1003.4282(3), F.S.

⁹ Section 1008.22(3), F.S.; 20 U.S.C. s. 6311(2)(b)(v)(II).

¹⁰ See 20 U.S.C. s. 6311(b)(2)(v)(II).

¹¹ 34 C.F.R. s. 200.2(b)(10).

computer adaptive assessments for the purposes of meeting federal requirements.¹² The requirements for students in Florida are as follows:

- English Language Arts:
 - Grades 3-10: Annual participation in the statewide, standardized assessment.
- Mathematics:
 - Grades 3-8: Annual participation in the statewide, standardized assessment.
 - High school: Algebra I and Geometry statewide, standardized EOC assessments.
- Science:
 - Grades 5 and 8: Participation in the statewide, standardized assessment.
 - High school: Participation in the Biology I statewide, standardized EOC assessment.
- Social Studies:
 - Middle school: Participation in the Civics statewide, standardized EOC assessment.
 - High school: Participation in the U.S. History statewide, standardized EOC assessment.

Beginning with the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered to students is the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.¹³

EOC assessments count as 30 percent of a student's final course grade.¹⁴ Results from assessments are used to calculate school grades and school improvement ratings¹⁵ and determine student readiness for promotion to fourth grade and high school graduation.¹⁶ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹⁷

The State Board of Education must adopt test security rules for the statewide, standardized assessment program. Violation of the test security rules for assessments administered pursuant to the student assessment program for public schools is a misdemeanor in the first degree.¹⁸

III. Effect of Proposed Changes:

To provide additional support to military children who are out-of-state due to the duty station of their military parent or guardian, the bill creates s. 1008.213, F.S., and modifies s. 1008.22, F.S., to establish a process by which the parent or guardian can request flexibility in assessment administration to permit the student to participate in statewide, standardized assessments while out-of-state.

The bill defines "child of a military family residing outside this state eligible for flexibility in assessment administration" to mean an FLVS full-time student of a military family residing

¹² 34 C.F.R. s. 200.2(c)(1).

¹³ Section 1008.22(3)(a) and (b), F.S.; Rule 6A-1.09422(4), F.A.C.

¹⁴ Sections 1003.4156(1)(b) and 1003.4282(3), F.S.

¹⁵ Sections 1008.34 and 1008.341, F.S.

¹⁶ Sections 1008.25(5) and 1003.4282(3), F.S.

¹⁷ Section 1012.34(3), F.S.; Rule 6A-5.030(2)(a), F.A.C.

¹⁸ Section 1008.24(2), F.S.; *see* Rule 6A-10.042, F.A.C.

outside of Florida who is prevented by his or her parent's or guardian's out-of-state military duty station's location from participating in a Florida-based FLVS secure and proctored exam.

The bill requires that the flexibility in assessment administration must allow an eligible student to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or education services officer test administrator at his or her parent's or guardian's current military duty station. The administrator of the assessment must complete the training adopted in State Board of Education (SBE) rule.

The flexibility in assessment administration authorized by the bill may be used by the student to take a statewide, standardized comprehensive assessment, a statewide, standardized end-of-course assessment, or a Florida Department of Education (FDOE) approved alternate assessment.

The request for flexibility in assessment administration must be made in writing by the student's parent or guardian to the FLVS at least 90 days prior to the assessment and include written, official documentation of the family's current out-of-state military duty station. The FLVS must review and make a recommendation regarding granting or denying the request to the FDOE as soon as practicable. The FDOE must make a final determination on the requested flexibility in assessment administration, and report this determination to the FLVS, within 14 days. Upon receipt of the FDOE's determination, the FLVS must notify the parent or guardian whether the flexibility in assessment administration has been granted or denied.

The FLVS must maintain data regarding the number of requests for flexibility in assessment administration made, the number of requests for flexibility in assessment administration granted, and data regarding student performance on statewide, standardized assessments, and make such data available to the Legislature upon request.

The bill requires the SBE to adopt rules governing the flexibility in assessment administration process established by the bill.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. Florida Virtual School and the Florida Department of Education may incur additional expenses to provide assessment flexibility to military family students stationed out-of-state, but the cost is minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.22 of the Florida Statutes.

This bill creates section 1008.213 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education PreK-12 on April 4, 2023:

The committee substitute removes from the bill the following provisions:

- Providing an exception to reemployment after retirement limitations and authorizing the Florida Virtual School (FLVS) Board of Trustees to reemploy a retiree as a substitute or hourly teacher, or education paraprofessional, and administrative and support personnel on a noncontractual or contractual basis after the retiree has been retired for one calendar month.

- Expressly authorizing FLVS instructional personnel to participate in the Deferred Retirement Option Program for up to 36 calendar months beyond the 60 month period and adding such authorization for administrative and support personnel.
- Requiring a student of the FLVS to be funded for each credit completion, regardless of the number of surveys the student is reported in.
- Removing the 1.0 full-time equivalent (FTE) cap on the number of FLVS credit completions a student may be funded for, as long as the student seeks accelerated access to courses in order to obtain a high school diploma at least one semester early.

B. Amendments:

None.

By the Committee on Education Pre-K -12; and Senators Rodriguez and Jones

581-03518-23

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A bill to be entitled

An act relating to the Florida Virtual School; creating s. 1008.213, F.S.; providing for flexibility in the administration of specified assessments for Florida Virtual School full-time students of military families residing outside this state; providing that such assessments for students granted such flexibility must be administered securely by persons who meet specified criteria at a certain location; providing a process for the parents or guardians of such students to request the flexibility in assessment administration from the Florida Virtual School; providing requirements for such parents or guardians, the Florida Virtual School, and the Department of Education in such process; authorizing the Legislature to request a report from the Florida Virtual School regarding requests for flexibility in assessment administration; requiring the State Board of Education to adopt rules; amending s. 1008.22, F.S.; providing flexibility in the administration of specified assessments for certain Florida Virtual School students; defining the term "child of a military family residing outside this state who is eligible for flexibility in assessment administration"; providing requirements for such flexibility in assessment administration; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 1008.213, Florida Statutes, is created to read:

1008.213 Children of military families residing outside this state; flexible assessment administration.—

(1) A Florida Virtual School full-time student of a military family residing outside this state who is prevented by his or her parent's or guardian's out-of-state military duty station's location from participating in a Florida-based Florida Virtual School secure and proctored exam must be offered flexibility with respect to assessment administration in order to demonstrate the grade-level mastery of skills that have been acquired and are measured by the statewide, standardized comprehensive assessment under s. 1008.22(3)(a), the statewide, standardized end-of-course assessment under s. 1008.22(3)(b), or an alternate assessment under s. 1008.22(3)(d).

(2)(a) The flexibility in assessment administration must allow a Florida Virtual School full-time student from a military family currently stationed outside this state to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or an education services officer test administrator at his or her parent's or guardian's current military duty station.

(b) A licensed, certified instructor or an education services officer test administrator must meet the criteria specified in s. 1008.24(3)(a).

(3) The student's parent or guardian may submit to the Florida Virtual School a written request for flexibility in assessment administration at any time during the school year, but not later than 90 days before the current school year's

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assessment administration for which the request is made. A request must include written, official documentation of the family's current out-of-state military duty stationing.

(4) Based on such documentation provided by the family pursuant to subsection (3), the Florida Virtual School shall submit a recommendation to the Department of Education as soon as practicable as to whether flexibility in assessment administration for a given statewide assessment should be granted or denied. Upon receipt of the request, documentation, and recommendation, the department shall verify the information documented as soon as practicable, make a determination, and notify the Florida Virtual School within 14 days. After the receipt of the department's determination, the Florida Virtual School shall notify the parent or guardian whether the flexibility in assessment administration has been granted or denied. If the department grants the request, the student's progress must be assessed with flexibility in assessment administration as provided in s. 1008.22.

(5) The Legislature may request from the Florida Virtual School a report containing the number of requests for flexibility in assessment administration made under this section, the number of requests for flexibility in assessment administration granted under this section, and data regarding student performance on statewide, standardized assessments.

(6) The State Board of Education shall adopt rules to implement this section.

Section 2. Present subsections (11) through (14) of section 1008.22, Florida Statutes, are redesignated as subsections (12) through (15), respectively, and a new subsection (11) is added

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to that section, to read:

1008.22 Student assessment program for public schools.—

(11) CHILD OF A MILITARY FAMILY RESIDING OUTSIDE THIS STATE.—In addition to the flexibility in assessment administration under s. 1008.213, a child of a military family residing outside this state is eligible for flexibility in assessment administration in accordance with this subsection when participating in the statewide, standardized comprehensive assessment in paragraph (3)(a), the statewide, standardized end-of-course assessment in paragraph (3)(b), or an alternate assessment in paragraph (3)(d).

(a) *Definition.*—For the purposes of this subsection, the term "child of a military family residing outside this state who is eligible for flexibility in assessment administration" means a Florida Virtual School full-time student of a military family residing outside this state who is prevented by his or her parent's or guardian's out-of-state military duty station's location from participating in a Florida-based Florida Virtual School secure and proctored exam.

(b) *Flexibility in assessment administration option.*—The flexibility in assessment administration under this subsection must allow a Florida Virtual School full-time student from a military family currently stationed outside this state to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or an education services officer test administrator at his or her family's current military duty station. To be eligible for this flexibility, the student's parent or guardian must meet the requirements of s. 1008.213, and the student must be determined

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117 eligible by the Department of Education.
118 Section 3. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: April 6, 2023

I respectfully request that **CS/SB 926**, relating to Florida Virtual School, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez", is written above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/13/2023

Meeting Date

Appropriations

Committee

SB 926

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Melanie Bostick

Phone

(850) 739-4455

Address

5422 Carrier Drive

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Street

Orlando

City

FL

State

32819

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Virtual School

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 7002

INTRODUCER: Community Affairs Committee; and Environment and Natural Resources Committee

SUBJECT: Ratification of Rules of the Department of Environmental Protection

DATE: April 12, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Rogers		EN Submitted as Committee Bill
1. Hackett	Ryon	CA	Fav/CS
2. Reagan	Sadberry	AP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 7002 ratifies Florida Administrative Code Rule 62-6.001, which incorporates more stringent permitting requirements for onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as septic systems, in areas where the Department of Environmental Protection (DEP) has adopted an OSTDS remediation plan as part of a basin management action plan.

The bill also ratifies Florida Administrative Code Rules 62-600.405, 62-600.705, and 62-600.720, relating to domestic wastewater facilities, which:

- Require a pipe assessment, repair, and replacement plan and an annual report on the plan;
- Include statutory requirements for a power outage contingency plan;
- Include statutory requirements for an annual report on utilities' expenditures on pollution mitigation efforts; and
- Require certain domestic wastewater facilities' emergency response plans to address cybersecurity.

Rule 62-6.001, F.A.C., will increase costs for the DEP and the Department of Health (DOH) due to increased staffing. In one year, the DEP will pay a one-time amount of approximately \$4,474 and a recurring amount of approximately \$132,684. In one year, the DOH will pay a one-time amount of approximately \$22,370 and a recurring amount of approximately \$349,758. After five years, the DEP will have paid approximately \$667,894 and the DOH will have paid

approximately \$2,805,774. SB 2500 appropriates three positions and \$314,405 for increased workload in the Division of Water Resource Management within the DEP.

The bill takes effect upon becoming a law.

II. Present Situation:

The Clean Waterways Act

The Florida Legislature passed the Clean Waterways Act in 2020 to address a number of environmental issues relating to water quality improvement.¹ Major topics in the Act included onsite sewage treatment and disposal systems (OSTDSs), wastewater, stormwater, agriculture, and biosolids, and the Act directed the Department of Environmental Protection (DEP) to make rules to implement these policies.

The Act expanded OSTDS remediation plan requirements by requiring a remediation plan to be included in the development of a basin management action plan (BMAP) for nutrient-impaired water bodies if OSTDSs contribute at least 20 percent of the nutrient pollution or if the DEP determines that remediation is necessary to achieve the total maximum daily load (TMDL). The Act authorized the DEP to adopt rules to administer the requirements of an OSTDS remediation plan.

The Act also addressed prevention of sanitary sewer overflows (SSOs), underground pipe leaks, and inflow and infiltration (I&I). The DEP's rules must reasonably limit, reduce, and eliminate domestic wastewater collection and transmission system pipe leakages and I&I. The Act authorized the DEP to adopt rules relating to pipe assessment, repair, and replacement action plans, power outage contingency plans, and reports relating to expenditures on pollution mitigation and prevention.²

Legislative Ratification of Agency Rules

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.³

¹ Chapter 2020-150, Laws of Fla.

² *Id.*

³ Section 120.541(2)(a), F.S.

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.⁴

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small business; or
- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after the implementation of the rule.⁵

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.⁶

Statement of Estimated Regulatory Costs for Rule 62-6.001, F.A.C.

The DEP determined that a SERC was required for rule 62-6.001, Florida Administrative Code, and prepared one in advance of rule adoption.⁷ The DEP found that the rule will increase regulatory costs for OSTDS upgrades in excess of existing required costs.⁸ The DEP estimates that the total cost impact over five years will be approximately \$5.7 million.⁹ Over a five-year period:

- The cost to upgrade 8,940 residential properties to nutrient-reducing OSTDSs will be approximately \$5.1 million;
- The cost to upgrade 470 OSTDSs for commercial properties will be approximately \$2.7 million; and
- The state government cost impacts for staffing to manage the increased workload will be approximately \$3.5 million.¹⁰

⁴ Section 120.541(3), F.S.

⁵ Section 120.54(3)(b)1., F.S.

⁶ Section 120.541(2), F.S.

⁷ DEP, *SERC, Rule 62-6.001, F.A.C.* (on file with the Senate Committee on Environment and Natural Resources).

⁸ *Id.* at 4.

⁹ *Id.*

¹⁰ *Id.* at 5.

Statement of Estimated Regulatory Costs for Chapter 62-600, F.A.C.

The DEP determined that a SERC was required for chapter 62-600, Florida Administrative Code, and prepared one in advance of rule adoption.¹¹ The DEP found that the rules will increase regulatory costs for 1,647 wastewater facilities, including the largest municipal wastewater treatment facilities, facilities in small rural towns, and even small privately-owned wastewater treatment facilities that serve a mobile home park or similar business.¹² The key costs related to the primary rule revisions include the cost to:

- Prepare and submit an annual report for pollution mitigation;
- Prepare a power outage contingency plan;
- Develop and implement the initial collection system action plan;
- Prepared and submit annual report(s) for the collection system action plan; and
- For large facilities, update the facility emergency response plan to address cybersecurity.¹³

The DEP estimates that the total increase in cost within five years of the implementation of the rules will be \$328 million.¹⁴ The cost to each wastewater treatment facility will vary according to the size of the facility.¹⁵ The DEP provided the following estimates:

- A one-time cost to develop an initial collection system action plan with an asset management plan between \$4.5 million and \$74 million;
- Annual costs to implement and manage a collection system action plan between \$5.9 million and \$17 million;
- Annual costs to prepare a report for the collection system action plan between \$1.8 million and \$17 million; and
- A cost for large Type I domestic wastewater facilities to address cybersecurity concerns of \$11 million.¹⁶

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.¹⁷ The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.¹⁸

Phosphorus and nitrogen are derived from natural and human-made sources.¹⁹ Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems),

¹¹ DEP, *SERC, Chapter 62-600, F.A.C.* (on file with the Senate Committee on Environment and Natural Resources).

¹² *Id.* at 3.

¹³ *Id.* at 5.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 7.

¹⁶ *Id.* at 6-7.

¹⁷ U.S. Environmental Protection Agency, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Feb. 10, 2023).

¹⁸ *Id.*

¹⁹ *Id.*

overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.²⁰

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals.²¹ Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.²²

Total Maximum Daily Loads

A TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards.²³ Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired. Pursuant to the federal Clean Water Act, the DEP must establish a TMDL for impaired waterbodies.²⁴

Basin Management Action Plans

The DEP is the lead agency in coordinating the development and implementation of TMDLs.²⁵ BMAPs are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,²⁶ for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Best management practices and non-regulatory and incentive-based programs, including cost-sharing, waste minimization, pollution prevention, agreements, and public education;
- Public works projects, including capital facilities; and
- Land acquisition.²⁷

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint

²⁰ U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Feb 10, 2023).

²¹ EPA, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Feb. 10, 2023).

²² *Id.*

²³ Department of Environmental Protection (DEP), *Total Maximum Daily Loads Program*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Feb. 10, 2023).

²⁴ Section 403.067(1), F.S.

²⁵ Section 403.061, F.S. DEP has the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

²⁶ Fla. Admin. Code R. 62-620.200(37). “Point source” is defined as “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources of pollution are sources of pollution that are not point sources.

²⁷ Section 403.067(7), F.S.

sources.²⁸ Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP development process provides an opportunity for local stakeholders, local government, community leaders, and the public to collectively determine and share water quality cleanup responsibilities.²⁹ BMAPs are adopted by secretarial order.³⁰

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones must be conducted every five years, and revisions to the BMAP must be made as appropriate.³¹

In 2020, the Clean Waterways Act required BMAPs for nutrient TMDLs to include an OSTDS remediation plan if the DEP identifies OSTDSs as contributors of at least 20 percent of nutrient pollution or if the DEP determines that remediation is necessary to achieve the TMDLs.³² This was an expansion of the statutory requirement that an OSTDS remediation plan must be developed if the DEP determines that OSTDSs within a spring priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or that remediation is necessary to achieve the TMDL.³³ OSTDS remediation plans for springs BMAPs can be found in Appendix D of the BMAPs.³⁴ Appendix D remediation plan elements include requirements for the installation of new OSTDSs, modification and repair of existing OSTDSs, and other plan elements, such as:

- An evaluation of credible scientific information on the effect of nutrients on springs and spring systems;
- Options for repair, upgrade, replacement, drain field modification, the addition of effective nitrogen-reducing features, connection to a central sewer system, or other action;
- A public education plan to provide area residents with reliable, understandable information about OSTDSs and springs;
- Cost-effective and financially feasible projects necessary to reduce the nutrient impacts of OSTDSs; and
- A priority ranking for each project for funding contingent on appropriations in the General Appropriations Act.³⁵

²⁸ *Id.*

²⁹ DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Feb. 10, 2023).

³⁰ Section 403.067(7)(a)5., F.S.

³¹ Section 403.067(7)(a)6., F.S.

³² Chapter 2020-150, Laws of Fla.

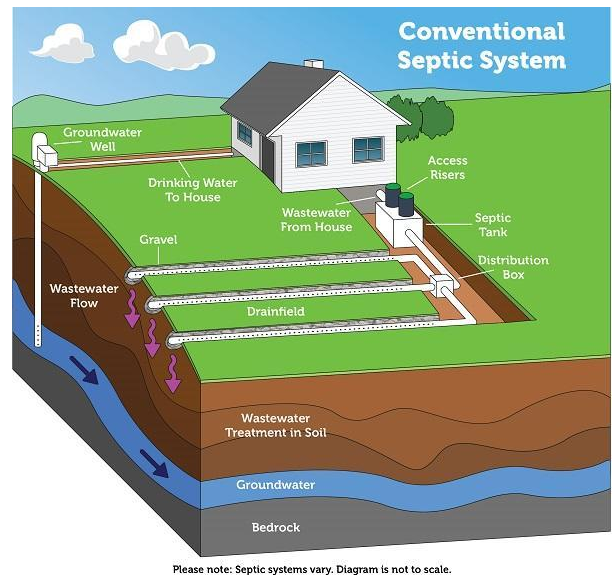
³³ Section 373.807, F.S.

³⁴ See, e.g., DEP, *Wacissa River and Wacissa Spring Group Basin Management Action Plan*, 56-61 (June 2018) available at <https://floridadep.gov/sites/default/files/Wacissa%20Final%202018.pdf>.

³⁵ *Id.* at 56-57.

Onsite Sewage Treatment and Disposal Systems

OSTDSs, commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.³⁶ Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.³⁷



There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.³⁸ In Florida, development in some areas is dependent on OSTDSs due to the cost and time it takes to install central sewer systems.³⁹ For example, in rural areas and low-density developments, central sewer systems are not cost-effective. Less than one percent of OSTDSs in Florida are actively managed under operating permits and maintenance agreements.⁴⁰ The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.⁴¹

In a conventional OSTDS, a septic tank does not reduce nitrogen from the raw sewage. In Florida, approximately 30-40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.⁴² This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.⁴³

³⁶ DOH, *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Feb, 2023); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Feb. 10, 2023) (showing the graphic provided in the analysis).

³⁷ *Id.*

³⁸ DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems> (last visited Feb. 10, 2023).

³⁹ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, Executive Summary (Oct. 1, 2008), available at http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/costs-implement-mandatory-statewide-inspection.pdf (last visited Feb. 10, 2023).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/draftlegreportsm.pdf>; see Fla. Admin. Code R. 64E-6.006(2).

⁴³ University of Florida Institute of Food and Agricultural Sciences (IFAS), *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (Oct. 2020), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf> (last visited Feb. 10, 2023).

Different types of advanced OSTDSs exist that can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems).⁴⁴ The DEP publishes on its website approved products and resources on advanced systems.⁴⁵ Determining which advanced system is the best option can depend on site-specific conditions.

The owner of a properly functioning OSTDS must connect to a sewer system within one year of receiving notification that a sewer system is available for connection.⁴⁶ Owners of an OSTDS in need of repair or modification must connect within 90 days of notification from the DEP.⁴⁷

In 2020, the Clean Waterways Act provided for the transfer of the Onsite Sewage Program from the Department of Health (DOH) to the DEP.⁴⁸ The Onsite Sewage Program will be transferred over a period of five years, and guidelines for the transfer are provided by an interagency agreement.⁴⁹ Per the agreement, the DEP has the primary powers and duties of the Onsite Sewage Program, meaning that the county departments of health will implement the OSTDS program under the direction of the DEP instead of the DOH.⁵⁰ The county departments of health still handle permitting and inspection of OSTDS.⁵¹ In the event of an alleged violation of OSTDS laws, county departments of health will be responsible for conducting an inspection to gather information regarding the allegations.⁵²

Wastewater Treatment Facilities

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida’s water resources. The majority of Florida’s domestic wastewater is controlled and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁵³

Chapter 403, F.S., requires that any facility or activity which discharges waste into waters of the state or which will reasonably be expected to be a source of water pollution must obtain a permit from the DEP.⁵⁴ Generally, persons who intend to collect, transmit, treat, dispose, or reuse

⁴⁴ DOH, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/products/documents/bmap-n-reducing-tech-18-10-29.pdf>.

⁴⁵ DEP, *Onsite Sewage Program, Product Listings and Approval Requirements*, <https://floridadep.gov/water/onsite-sewage/content/product-listings-and-approval-requirements> (last visited Feb. 10, 2023).

⁴⁶ Section 381.00655, F.S.

⁴⁷ *Id.*

⁴⁸ DEP, *Program Transfer*, <https://floridadep.gov/water/onsite-sewage/content/program-transfer> (last visited Feb. 10, 2023).

⁴⁹ DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (June 30, 2021), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf> (last visited Feb. 10, 2023).

⁵⁰ *Id.* at 14.

⁵¹ *Id.* at 11; and DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Feb. 10, 2023).

⁵² DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida’s Clean Waterways Act for Transfer of the Onsite Sewage Program* at 11.

⁵³ DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Feb. 10, 2023).

⁵⁴ Section 403.087, F.S.

wastewater are required to obtain a wastewater permit. A wastewater permit issued by the DEP is required for both operation and certain construction activities associated with domestic or industrial wastewater facilities or activities. A DEP permit must also be obtained prior to construction of a domestic wastewater collection and transmission system.⁵⁵

Under section 402 of the federal Clean Water Act, any discharge of a pollutant from a point source to surface waters (i.e., the navigable waters of the United States or beyond) must obtain a National Pollution Discharge Elimination System (NPDES) permit.⁵⁶ NPDES permit requirements for most wastewater facilities or activities (domestic or industrial) that discharge to surface waters are incorporated into a state-issued permit, thus giving the permittee one set of permitting requirements rather than one state and one federal permit.⁵⁷ The DEP issues operation permits for a period of five years for facilities regulated under the NPDES program and up to 10 years for other domestic wastewater treatment facilities meeting certain statutory requirements.⁵⁸

Cybersecurity

Cyber-attacks on water and wastewater systems are increasingly common.⁵⁹ Attacks that target water or wastewater utility business processes or process control systems can result in:

- Malfunctioning treatment and conveyance processes;
- Compromise of a utility's website or email system;
- Stolen personal data or credit card information from a utility's billing system; and
- Installation of malicious programs like ransomware, which can disable operations.⁶⁰

Sanitary Sewer Overflows (SSO), Leakages, and Inflow and Infiltration (I&I)

Although domestic wastewater treatment facilities are permitted and designed to safely and properly collect and manage a specified wastewater capacity, obstructions or extreme conditions can cause an SSO. Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system is an SSO.⁶¹ An SSO may subject the owner or operator of a facility to civil penalties of not more than \$10,000 for each offense, a criminal conviction or fines, and additional administrative penalties.⁶² Each day during the period in which a violation occurs constitutes a separate offense.⁶³ However, administrative penalties are capped at \$10,000.⁶⁴

A key concern with SSOs entering rivers, lakes, or streams is their negative effect on water quality. In addition, because SSOs contain partially treated or potentially untreated domestic

⁵⁵ DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Feb. 10, 2023).

⁵⁶ 33 U.S.C. s. 1342.

⁵⁷ Sections 403.061 and 403.087, F.S.

⁵⁸ Section 403.087(3), F.S.

⁵⁹ EPA, *Water Sector Cybersecurity Brief for States*, 1 (2018) available at https://www.epa.gov/sites/default/files/2018-06/documents/cybersecurity_guide_for_states_final_0.pdf (last visited Feb. 13, 2023).

⁶⁰ *Id.*

⁶¹ DEP, *Sanitary Sewer Overflows (SSOs)*, available at <https://floridadep.gov/sites/default/files/Sanitary%20Sewer%20Overflows.pdf> (last visited Feb. 10, 2023).

⁶² Sections 403.121 and 403.141, F.S.

⁶³ *Id.*

⁶⁴ Section 403.121(2)(b),(8), and (9), F.S.

wastewater, ingestion or similar contact may cause illness. People can be exposed through direct contact in areas of high public access, food that has been contaminated, inhalation, and skin absorption. The DOH issues health advisories when bacteria levels present a risk to human health and may post warning signs when bacteria affect public beaches or other areas where there is a risk of human exposure.⁶⁵

Reduction of SSOs can be achieved through:

- Cleaning and maintaining the sewer system;
- Reducing I&I through rehabilitation and repairing broken or leaking lines;
- Enlarging or upgrading sewer, pump station, or sewage treatment plant capacity and/or reliability; and
- Constructing wet weather storage and treatment facilities to treat excess flows.⁶⁶

I&I occurs when groundwater and/or rainwater enters the sanitary sewer system and ends up at the wastewater treatment facility, necessitating its treatment as if it were wastewater.⁶⁷ I&I can be caused by groundwater infiltrating the sewer system through faulty pipes or infrastructure, or any inflows of rainwater or non-wastewater into the sewer system.

I&I is a major cause of SSOs in Florida.⁶⁸ When domestic wastewater facilities are evaluated for permit renewal, collection systems are not evaluated for issues such as excessive inflow or infiltration unless problems result at the treatment plant.⁶⁹ Another major cause of SSOs is the loss of electricity to the infrastructure for the collection and transmission of wastewater, such as pump stations, especially during storms.⁷⁰ Pump stations receiving flow from another station through a force main, or those discharging through pipes 12 inches or larger, must have emergency generators.⁷¹ All other pump stations must have emergency pumping capability through one of three specified arrangements.⁷² These requirements for emergency pumping capacity only apply to domestic wastewater collection/transmission facilities existing after November 6, 2003, unless facilities existing prior to that date are modified.⁷³

⁶⁵ DEP, *SSOs*, available at <https://floridadep.gov/sites/default/files/Sanitary%20Sewer%20Overflows.pdf>.

⁶⁶ *Id.*

⁶⁷ City of St. Augustine, *Inflow & Infiltration Elimination Program*, <https://www.citystaug.com/549/Inflow-Infiltration-Elimination-Program> (last visited Jan. 10, 2023).

⁶⁸ See generally RS&H, Inc., *Evaluation of Sanitary Sewer Overflows and Unpermitted Discharges Associated with Hurricanes Hermine and Matthew* (Jan. 2017), available at https://floridadep.gov/sites/default/files/Final%20Report_Evaluation%20of%20SSO%20and%20Unpermitted%20Discharges%2001_06_17.pdf (last visited Feb. 10, 2023).

⁶⁹ Fla. Admin. Code R. 62-600.735; see Fla. Admin. Code R. 62-600.200. “Collection/transmission systems” are defined as “sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.”

⁷⁰ See generally RS&H, Inc., *Evaluation of Sanitary Sewer Overflows and Unpermitted Discharges Associated with Hurricanes Hermine and Matthew* (Jan. 2017), available at https://floridadep.gov/sites/default/files/Final%20Report_Evaluation%20of%20SSO%20and%20Unpermitted%20Discharges%2001_06_17.pdf (last visited Feb. 10, 2023).

⁷¹ Fla. Admin. Code R. 62-604.400.

⁷² *Id.*

⁷³ Fla. Admin. Code R. 62-604.100.

In 2020, the Clean Waterways Act required the DEP to adopt rules to reasonably limit, reduce, and eliminate leaks, seepages, or inputs into the underground pipes of wastewater collection systems.⁷⁴ The Act required facilities for sanitary sewage disposal to have a power outage contingency plan to mitigate the impacts of power outages on the utility's collection system and pump stations. It also required facilities to use I&I studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with at least a five-year planning horizon.⁷⁵

III. Effect of Proposed Changes:

The bill ratifies Florida Administrative Code Rule 62-6.001, titled "General," which is amended to incorporate more stringent permitting requirements for onsite sewage treatment and disposal systems (OSTDSs) in areas where the Department of Environmental Protection (DEP) has adopted an OSTDS remediation plan as part of a basin management action plan. The permitting requirements are projected to assure the DEP that the installed system will not cause or contribute to the exceedance of a nutrient total maximum daily load established as of the date of the permit application.

The bill ratifies Florida Administrative Code Rules 62-600.405, 62-600.705, and 62-600.720, titled "Domestic Wastewater Facilities: Planning for Wastewater Facilities Expansion," "Domestic Wastewater Facilities: Collection/Transmission Systems," and "Domestic Wastewater Facilities: Operation and Maintenance Manual," respectively. These rules are amended to:

- Require a pipe assessment, repair, and replacement plan and an annual report on the plan;
- Specify the scope and content of the plan and the content of the annual report;
- Include statutory requirements for a power outage contingency plan;
- Include statutory requirements for an annual report on utilities' expenditures on pollution mitigation efforts;
- Require certain domestic wastewater facilities to address cybersecurity in their emergency response plan.

The bill:

- Serves no other purpose and may not be codified in the Florida Statutes;
- Directs that its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both;
- Does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under ch. 120, F.S.; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

The bill will take effect upon becoming law.

⁷⁴ Chapter 2020-150, Laws of Fla.

⁷⁵ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The county/municipality mandates provision of Art. VII, s. 18(a) of the Florida Constitution may not apply to this bill. The Florida Constitution limits the ability of the State to impose unfunded mandates on local governments. However, Art. VII, s. 18(d) of the Florida Constitution provides that laws reauthorizing but not expanding existing statutory authority are exempt from the unfunded mandates provision. This bill likely falls under this exemption and will therefore not be subject to the unfunded mandates prohibition.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Rule 62-6.001, F.A.C., will increase regulatory costs for onsite sewage treatment and disposal system (OSTDS) upgrades for properties in certain areas. The Department of Environmental Protection (DEP) estimates that in one year residential property owners will pay a one-time amount of approximately \$9,386,600 and a recurring amount of approximately \$250,250. After five years, the total cost to upgrade 8,940 residential properties to nutrient-reducing OSTDSs is approximately \$50,686,750.⁷⁶

Rules 62-600.405, 62-600.705, and 62-600.720, F.A.C., will increase costs for small businesses like mobile home parks and RV parks that have their own wastewater treatment facility.⁷⁷ The DEP estimates that the cost for these small facilities will be

⁷⁶ DEP, *SERC, Rule 62-6.001, F.A.C.*, 5 (on file with the Senate Committee on Environment and Natural Resources).

⁷⁷ DEP, *SERC, Chapter 62-600, F.A.C.*, 7 (on file with the Senate Committee on Environment and Natural Resources).

approximately \$4,000 for the preparation of the plan and \$1,600 for preparation of the annual report. The few larger facilities that are privately owned will likely see costs similar to small municipality or small county facilities.⁷⁸

C. Government Sector Impact:

Rule 62-6.001, F.A.C., will increase costs for the DEP and the Department of Health (DOH) due to increased staffing. In one year, DEP will pay a one-time amount of approximately \$4,474 and a recurring amount of approximately \$132,684. In one year, the DOH will pay a one-time amount of approximately \$22,370 and a recurring amount of approximately \$349,758. After five years, the DEP will have paid approximately \$667,894 and the DOH will have paid approximately \$2,805,774. SB 2500 appropriates three positions and \$314,405 for increased workload in the Division of Water Resource Management within the DEP. The cost to state and local government over five years adds up to approximately \$3,473,668.⁷⁹

Rules 62-600.405, 62-600.705, and 62-600.720, F.A.C., will increase regulatory costs for local government entities that own and operate large domestic wastewater treatment facilities. The DEP estimates that these local government entities will be required to pay approximately \$120 million for one-time capital costs and recurring costs.⁸⁰ A small county or city that owns a small wastewater treatment facility may pay \$50,000-\$100,000 to prepare an initial collection system action plan, \$10,000-\$20,000 to implement the plan, and \$5,000-\$20,000 to prepare the annual report.⁸¹ The DEP notes that these estimates may vary widely by facility, especially for extremely large facilities.⁸²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

⁷⁸ *Id.*

⁷⁹ DEP, *SERC, Rule 62-6.001, F.A.C.* at 5.

⁸⁰ DEP, *SERC, Chapter 62-600, F.A.C.*, 4, 6-7 (on file with the Senate Committee on Environment and Natural Resources).

⁸¹ *Id.* at 8.

⁸² *Id.* at 6.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 15, 2023:
The CS corrects a drafting inconsistency.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committees on Community Affairs; and Environment and Natural Resources

578-02611-23

20237002c1

A bill to be entitled

An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to standards for onsite sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems, and an operation and maintenance manual for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The following rules are ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under section 120.541(3), Florida Statutes:

(a) Rule 62-6.001, Florida Administrative Code, titled "General," as filed for adoption with the Department of State pursuant to the certification package dated May 10, 2022.

(b) Rules 62-600.405, 62-600.705, and 62-600.720, Florida Administrative Code, titled "Domestic Wastewater Facilities: Planning for Wastewater Facilities Expansion," "Domestic Wastewater Facilities: Collection/Transmission Systems," and "Domestic Wastewater Facilities: Operation and Maintenance Manual," respectively, as filed for adoption with the Department

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-02611-23

20237002c1

of State pursuant to the certification package dated November 16, 2021.

(2) This act serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This act does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/13/23

Meeting Date

Appropriations

Committee

7002

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Alex Kernan

Phone

Address

3900 Commonwealth Blvd

Email

Street

Tallahassee

City

FL

State

32399

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

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In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Dept. of Environmental
Protection

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 4/13/2023 10:32:44 AM

Ends: 4/13/2023 11:18:07 AM

Length: 00:45:24

10:32:46 AM	Sen. Broxson (Chair)
10:34:00 AM	S 62
10:34:07 AM	Sen. Grall
10:35:29 AM	Sen. Perry
10:35:37 AM	Sen. Grall
10:35:40 AM	Sen. Perry
10:35:51 AM	Sen. Grall
10:36:25 AM	Sen. Rouson (Chair)
10:36:34 AM	Robert DuBoise
10:37:32 AM	Sen. Broxson (Chair)
10:37:52 AM	Sen. Perry
10:39:03 AM	Sen. Hooper
10:39:42 AM	Sen. Grall
10:42:36 AM	Sen. Broxson
10:43:35 AM	S 110
10:43:40 AM	Sen. Hooper
10:46:13 AM	Sen. Rouson
10:46:28 AM	Sen. Hooper
10:47:02 AM	Am. 356102
10:47:07 AM	Sen. Hooper
10:48:09 AM	Sen. Polsky
10:48:28 AM	Sen. Hooper
10:48:39 AM	Sen. Polsky
10:49:19 AM	Sen. Broxson
10:49:33 AM	Sen. Hooper
10:50:31 AM	Sen. Polsky
10:50:47 AM	Sen. Hooper
10:51:08 AM	Am. 422028
10:51:52 AM	Lamar Taylor, State Board of Administration of Florida (waives in support)
10:53:02 AM	Sen. Grall
10:53:45 AM	Sen. Hooper
10:54:31 AM	Am. 356102 (cont.)
10:54:49 AM	Sen. Hooper
10:54:57 AM	S 110 (cont.)
10:55:13 AM	Sen. Hooper
10:56:03 AM	S 198
10:56:09 AM	Sen. DiCeglie
10:57:45 AM	Sen. Rouson (Chair)
10:57:55 AM	S 726
10:58:06 AM	Sen. Rodriguez
11:00:35 AM	S 926
11:00:49 AM	Sen. Rodriguez
11:01:29 AM	Melanie Bostick, Florida Virtual School (waives in support)
11:01:45 AM	Sen. Rodriguez
11:02:51 AM	S 7002
11:03:02 AM	Sen. Rodriguez
11:03:56 AM	Alex Kernan, FL Department of Environmental Protection (waives in support)
11:04:19 AM	Sen. Baxley
11:05:12 AM	Sen. Rodriguez
11:06:21 AM	Sen. Broxson (Chair)
11:06:51 AM	Recording Paused
11:08:16 AM	Recording Resumed

11:08:22 AM	S 490
11:08:38 AM	Sen. Jones
11:09:34 AM	Am. 254124
11:09:44 AM	Sen. Rouson
11:12:12 AM	Sen. Hooper
11:12:51 AM	Sen. Rouson
11:13:01 AM	S 490 (cont.)
11:13:14 AM	Katie Bohnett, Crime Survivors for Safety and Justice (waives in support)
11:13:24 AM	Sen. Pizzo
11:14:46 AM	Sen. Broxson
11:15:09 AM	Sen. Jones
11:17:12 AM	Sen. Broxson
11:17:17 AM	Sen. Pizzo
11:17:31 AM	Sen. Book
11:17:40 AM	Sen. Gruters
11:17:50 AM	Sen. Broxson